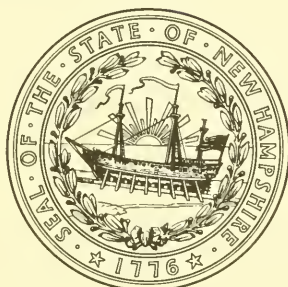


NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES

1988 Session

January 6, 1988

through

May 3, 1988

W. DOUGLAS SCAMMAN, JR.
SPEAKER

CARL A. PETERSON
CLERK

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HOUSE JOURNAL 1

Wednesday, 6 Jan 88

On the first Wednesday in January in the year of our Lord, one thousand nine hundred and eighty-eight, the one hundred and fifty-second General Court of the State of New Hampshire convened at the Capitol in the City of Concord at 1:00 p.m. The representatives were called to order by the Speaker, W. Douglas Scamman, Jr.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Be with us in this place, O God, as we gather from the many tasks which have demanded our attention. We come today from our homes and our occupations, desiring now to be faithful to the work for which we have been elected. Having reached this long-awaited day, grant that we may come refreshed to the challenges which stretch before us.

We pray for those of our friends and colleagues who have endured suffering during the months since we last convened. We ask Your comfort on those who mourn, and Your strength for those who labor with illness and age.

Lord God, we ask insight and compassion, always to remember the humanity of those whom we serve and those with whom we labor. Keep us from the temptation of dismissing others whose labels and allegiances may differ from our own, so that in all things we may show forth faithfulness to our common calling. Amen.

Rep. Healy, the Dean of the House, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lemire, Joseph Eaton, Ann Derosier, Chamberlin, Wood and Sawyer, the day, illness.

Reps. David Young, Pierce, John Young, Coulombe, Marilyn Campbell, Cole, Crystal, Mayhew, Arnott and Hollingworth, the day, important business.

Reps. Daniel Eaton and Betty Hall, the day, death in the family.

Reps. Joseph MacDonald and Wells, the day, illness in the family.

INTRODUCTION OF GUESTS

Stella Scamman, wife of the Speaker; Eleanor Burns, wife of Deputy Speaker Burns; members of the National Federation of Independent Business Guardian Advisory Council, guests of the House; Kathy Scanlan, Carole Dimeola and Norbert Scanlan, wife, mother-in-law and father of Rep. Scanlan; Rev. Andrea Thompson, wife of the House Chaplain, Rev. John McCall; James Donchess, Mayor of Nashua, guest of Rep. Chris Jacobson; Greta Whittemore, wife of Rep. Whittemore; members of the Sportsmen's Club, guests of the House.

The Speaker introduced his mother and father, Greta and former Speaker of the House, W. Douglas Scamman, Sr.

RESIGNATIONS

Dear Speaker Scamman:

This letter is to advise you that I am resigning from the State of New Hampshire General Court, House of Representatives (Belknap District #4) to be effective October 1, 1987. This is necessary as I am moving out of the Town of Meredith.

Serving as a member of the General Court is an honor and a privilege, and I have enjoyed these past several years working in the House of Representatives on the Ways and Means Committee, and as a member of the Belknap County Delegation.

Thank you for your encouragement and assistance. It is greatly appreciated. It has been my pleasure to work with you and your dedicated staff.

Respectfully,
Rep. Russell M. Brown

Dear Mr. Speaker:

It is with much sorrow that I convey to you this letter of retirement from the New Hampshire House of Representatives.

It has been a rewarding experience working with the leadership and staff for seven years in the New Hampshire House.

I will miss all my friends and committee members, but I will keep in touch.

My wife, Arlene, and I will be heading for Florida around the 20th of October in our new 28-foot motor home. We will be back in May of 1988. We plan to visit the House if it is still in session.

My very best, and success to you and your family in future years to come.

Sincerely,
Rep. Robert R. Blaisdell

Dear Mr. Speaker:

This will confirm my verbal notice to you that I have changed my domicile from District 18 to District 17 in Rockingham County. I am no longer eligible to serve as a Representative of District 18, and I submit my resignation herewith.

Sincerely yours,
Rep. Douglas R. Woodward

Dear Mr. Speaker:

Please be advised that professional considerations necessitate a change in my residence from Hanover, Grafton District 12. Accordingly, I regret to inform you that I must resign my seat in the House of Representatives, effective on November 17, 1987.

It has been a pleasure to serve with you and to work together. I hope that at some time in the future we will again work together on issues important to the state of New Hampshire.

Thank you very much much and personal regards.

Very truly yours,
Rep. Michael B. King

COMMUNICATIONS

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the governor and executive council on June 24, 1987:

Rockingham County District 19 (Greenland, Stratham)
Dean B. Merchant, d, Stratham (113 Heights Road) 03885

Sincerely,
Karen H. Ladd
Administrative Assistant

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the governor and executive council on December 15, 1987.
Belknap County District No. 4 (Meredith)
Charles C. Vogler, r, Meredith (RFD 2, Box 765) 03253

Sincerely,
Karen H. Ladd
Administrative Assistant

Rep. Sallada addressed the House briefly.

INTRODUCTION OF GUESTS

Former Representative Polly Johnson and her husband, guests of the House.

The Speaker introduced former Governor, Walter Peterson who addressed the House briefly.

Mr Speaker, Your Excellency, members of the General Court, perhaps I should say, sportsmen of New Hampshire. First let me assure you I understand the rules and anyone who is privileged to such an august body has to understand the basic wisdom of the old saying that brevity is the soul of wit. I intend to try to organize my thoughts and be as quick and as short as possible, and that is going to surprise some people who know that it has taken me, sometimes more than half an hour, to pronounce my name, but I'll try to be equal to the test. I'm here today full of a lot of thoughts, nostalgic in nature, because there are so many old friends here, full of thoughts of respect for you in the important work that you do on behalf of all of us and then a certain amount of trepidation because I have got to tell you that not only do I have one of my relatives, my cousin Chris Jacobson, as a member of the House. Not only are there lots of old friends here who know me from the past, but also one member of our faculty, Dr. William Riley who is not only a member of the House, but an eminent historian on our campus and knows much more about the subject I'm going to talk about and is here to correct me and chastise me later.

It's good to be back to commemorate and congratulate you on a very wise decision. I will say that I'm not too sure, perhaps, that those responsible for the decision didn't so much see the light, but feel the heat, because I've had occasion to understand the persistence and persuasive powers of Polly Johnson and the Pierce Brigade in the past. Obviously, I can't claim any credit because they read my pedigree, and you know that on my watch we never did anything. But then, you ladies and gentlemen are more sensitive and perhaps more sensible and forward looking than we were years ago. All I can say is, that you, by your action, honor one of New Hampshire's finer sons, the only son of the state that ever attained the highest office that this country can offer, that of the Presidency of the United States, and, while he is, I think, a much misunderstood figure in history, and the story of his life is a bittersweet one, a story of great success, mediocre success almost, mixed with real elements of stark tragedy. In life you deal the hand or deal with the hand that someone deals to you. He was dealt, with all the successes that he achieved as the youngest speaker still, ever in this House, in the history of this state as a man who was elected to Congress and re-elected in his thirties, elected to the United States Senate, and who voluntarily left that body. At first look you think, when he went on to the Presidency that this was a life just where everything was successful and was straight up, but that's not the truth. He and his wife had three sons, all of whom died tragically. The first two by illness, the third in a tragic railroad accident between the time of his nomination to the presidency and his election. He was President of this

country in extremely difficult times prior to the Civil War when the opportunity to tear this country apart was very great. He did his level best to keep this country together and not to see it spill over into the conflict and the inenviable loss of life that occurred. So, I think there is a revisionist review of history that we are becoming to be conscious of that we should be more proud, much more proud than many times we have been in the past of this native son of New Hampshire who served us as our President. It's not without notice, even though historians for a time turned up their nose and would not give him the praise that he deserved, but he was accorded again after he voluntarily left the presidency and refused renomination for a number of years after that. There were efforts continually to try to re-involve him in the political process. So, by your action, you honor a person who truly is deserving, not only because of the high nature of the office and responsibilities that he held, but by the life that he also led. For example, as a person who entered the army, enlisted as a private, worked his way up to be Brigadier General and served with distinction in the Mexican War with much to be proud of in this fine public servant of years ago. He was third in his class in Bowdoin, and that's my bridging statement to talk about higher education which I have been told that I can do. Let me just say, because I realize that there is a danger of transgressing and I'm sensitive to that, that just as he appreciated higher education, higher education is appreciated by many and increasingly available to more and more young sons and daughters here in New Hampshire. The number of young people who are involved in higher education is approaching 60,000 today and the economic impact of all of this in New Hampshire approaches the billion dollar mark. In short, it is a tremendously important function financially, economically, culturally in every way. We know that the careful estimate that we make in our young people can pay off many, many times and is of vital importance to all of us in the race that America is eternally in, with those who are for a totally different way of life imposed, I think, a real threat to us. It's worthy of note that, and this is not too well-known and I must confess to you when I served as you did, I did not know it until too late in my career, that in New Hampshire, approximately half of the young people who are educated are educated by private institutions, not by the flagship institutions at Durham, Plymouth, Keene, of whom of course we are justly proud. There is a diversified set of options open to our young people today, and the institution that I head, Franklin Pierce College, and I'm very proud to be associated with, is an important and an intricate part of delivery of services in higher education in this state. In some twenty-five years, since its founding in 1962, it's grown from a student body of a few dozen housed in two buildings in the center of Rindge to a large campus with a thousand acres in Rindge, five satellite campuses in Dover, Salem, Nashua, Keene and here in Concord and between these two operations in excess of thirty-two hundred students. So you see, approximately five percent of the people that I mentioned are educated in this institution and the economic impact on this state of that one institution, small though it is, exceeds \$40,000,000 a year. I mention that to you, and I hope that I'm not transgressing, the privilege is mine, because I think when we think of education we're apt to think of course in the positive terms as we should, about what it can do for our young people. All too often we do tend to forget that it also has become, almost without our noticing it, a very important, a vitally important economic asset to this state as well. We deal the hand that is dealt to us as Franklin Pierce did years ago. I hope that we are doing it half as well, with half the strength that he did years ago under excruciatingly difficult circumstances. I know as I become more acquainted with him, I'm not only proud to be associated with an institution that bears his name, but also I'm more appreciative of the wisdom and the courage and the willingness to right a

wrong that you demonstrated by your action. So may I, on behalf of all who worked far longer than I to see this happen, may I thank you once again for this action. It's great to be with you.

Rep. Harold Burns moved that Governor Peterson's remarks be printed in the House Journal.

Adopted.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 57

honoring Franklin Pierce College on its twenty-fifth anniversary.

WHEREAS, on the fourteenth day of November, in the Year of Our Lord, Nineteen Hundred and Sixty-Two, Franklin Pierce College in Rindge was granted its charter by the State of New Hampshire, and

WHEREAS, in that same year, Dr. Frank DiPietro was named the first President of Franklin Pierce College, presiding in the spring of Nineteen Hundred and Sixty-Six at the College's first commencement, and

WHEREAS, in the autumn of Nineteen Hundred and Seventy-Five, former New Hampshire House Speaker and Governor, Walter Peterson, became the second President of Franklin Pierce College, presiding one month later at the opening of the campus in Concord, and

WHEREAS, Franklin Pierce College continued to expand its educational offerings, opening its Keene campus in Nineteen Hundred and Eighty, and its Dover and Salem campuses in Nineteen Hundred and Eighty-Two, and

WHEREAS, throughout its illustrious twenty-five year history, Franklin Pierce College has continually provided quality educational experiences to thousands of men and women, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Franklin Pierce College, on this occasion of its twenty-fifth anniversary, be accorded highest praise and acclamation for its commitment to educational excellence, and be it further

RESOLVED, that Franklin Pierce College -- its administrators, its staff, its faculty, its students and its alumni -- receive heartiest and warmest congratulations for twenty-five years of hard work in building an academically sound institution, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to Franklin Pierce College President, Walter Peterson.

Adopted unanimously.

The Speaker addressed the House briefly.

As we begin this one hundred and fifty-second session of the New Hampshire General Court, the attention of the people of this state will again be focused on this chamber.

For more than two hundred years, the people of New Hampshire have looked with pride to their citizen Legislature. No other state in the union has been able to boast a legislative body as representative or as responsive to the will of its people. Since the Greek city states in the centuries before Christ, few democracies have been as effective at letting the citizens rule themselves.

The citizens of New Hampshire will be watching us once again this year to see if we live up to this tradition of public service.

Nineteen eighty-eight will be a year of challenges.

The first six weeks of the session will be exciting ones thanks to our first-in-the-nation presidential primary. In fact we have invited all the major presidential candidates to speak to the Legislature before primary day and we expect several to join us here in Representatives Hall. However, we must not let these visitors distract us from our duties here in the House.

This will be the first time in history that a regular session falls in a primary year, and the primary itself will take place just two days before crossover day. The pressure will be on all of us to keep our eye on the legislative ball. We will have to bear down in our work just that much harder to bring this session to a successful conclusion.

Issues such as AIDS, retirement and affordable housing will tax our abilities both in Committee and here on the floor. But it will be during these first three session days that some of our most important work will be done.

On these days we will take action on bills re-referred from last session. Re-referral is a tool which may help us greatly between sessions to study complex issues facing the state. However, this tool is one we cannot allow to become over-used. Re-referral stops being helpful when it overburdens the work of the second session. So, the success or failure of this process will hinge on our ability to process these bills in a timely and effective way.

This need for timely action is increased by the shortened nature of the 1988 session. As I have said many times before, I am not an advocate of annual sessions. I support biennial sessions. Although as a Constitutional Officer of the State of New Hampshire I believe I have a sworn duty to do the best I can to make annual sessions work. Nevertheless, I believe strongly that I have an equally important constitutional responsibility to protect the volunteer nature of our citizen Legislature.

The citizen Legislature will not long survive if it takes too much time from businesses and families. That is why we have scheduled a shorter, more structured second-year session for 1988. The House leadership and your Committee Chairmen have set up a schedule of hearings that are meant to give you a predictable framework around which to organize your lives outside the Legislature. We have even factored in a two-week break period for family vacations or personal business. Now it is up to you not just to take the time, but to make the time for your legislative duties. It is up to you to bear down hard and meet the deadlines we have set without shortchanging the legislative process.

Next Tuesday evening at seven, the Governor will address us on the state of the state, a speech which I believe is very important to this legislative process. I am sure that among his topics will be the state's financial situation.

In reading the paper this week I found a story suggesting that there is a 57 million dollar state surplus. I believe that we should all be aware that there is no such surplus. Of that 57 million dollar figure, 26.9 million was committed in the 1987-88 biennial budget to the rainy day fund, 7 million was committed to the capital reserve fund and 23 million was allocated to fund programs authorized by the 1987 budget or legislative specials. The bottom line, which I hope the Governor emphasizes Tuesday night, is that there is no great surplus.

Last year, your persistence and your dedication helped us achieve what many critics said was impossible--to adjourn the Legislature a month early. This year I believe you will do the so-called impossible again and meet the deadline for legislative adjournment by the end of April. It is in your nature to do the difficult.

New Hampshire is rapidly changing, and with these changes have come new issues, new problems, new challenges. But, in the face of change, some things need to remain constant and reliable.

In two centuries of history, the New Hampshire House has adjusted to the shifts from an agricultural society to a manufacturing society, and from a manufacturing society to one that relies on high technology and service industries. Yet, the more the Legislature has changed, the more it has remained the same; the more it has displayed those qualities that are at the foundation of the New Hampshire character--independence, love of place and fierce individualism.

My goal, with your help, is to continue along this path; to see that this body remains constant, like a lighthouse in uncertain waters. Responsive to our citizens, responsive to change, but always true to the traditions and values of New Hampshire. Thank you.

Rep. Harold Burns moved that the Speaker's remarks be printed in the Journal.

Adopted.

Reps. Palumbo and Chambers offered the following:

HOUSE RESOLUTION NO. 56

RESOLVED, that the actions of the rules committee of the House in granting approval for pre-printing and introduction of bills, joint resolutions, house bills of intent, house resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling of all hearings by said committees as printed in the Calendar of the House, and distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 731 through 744 and 746 through 1201 and Concurrent Resolutions Proposing Constitutional Amendments numbered 23 and 25 through 28, and House Concurrent Resolutions numbered 11 through 13, and House Resolutions numbered 52 through 54, and House Joint Resolution numbered 4, and House Bills of Intent numbered 2016 through 2020, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs, HJR and HBIs First, second reading and referral

HB 731, relative to applications to vote for overseas voters. (Rep. Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

HB 732-FN, relative to the workers' compensation special fund. (Rep. Warburton of Rockingham Dist. 6 - To Labor, Industrial and Rehabilitative Services)

HB 733, providing for state, federal and municipal cooperation through joint powers agreements. (Rep. Peyron of Sullivan Dist. 2; Rep. Flint of Sullivan Dist. 2; Rep. Jacobson of Hillsborough Dist. 26; Rep. LaMott of Grafton Dist. 5 - To State-Federal Relations)

HB 734, relative to posting of bond by administrators of estates. (Rep. Green of Hillsborough Dist. 36 - To Judiciary)

HB 735, relative to instructions to voters for straight ticket voting. (Rep. Campbell of Rockingham Dist. 7 - To Constitutional and Statutory Revision)

HB 736, relative to voter addresses on checklists. (Rep. Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

HB 737, relative to appointing alternates for school board members on municipal budget committees. (Rep. Walker of Rockingham Dist. 17; Rep. Robinson of Hillsborough Dist. 12 - To Education)

HB 738, relative to "for sale" signs in manufactured housing parks. (Rep. Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

HB 739, relative to appeals from the denial of building permits in municipalities without zoning ordinances. (Rep. Arnesen of Grafton Dist. 7 - To Municipal and County Government)

HB 740, relative to voluntary mediation in divorce proceedings. (Rep. Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 741, relative to horsepower of motors on Spectacle Pond in the towns of Enfield and Grafton. (Rep. Christy of Grafton Dist. 11; Rep. Hammond of Grafton Dist. 11; Rep. Scanlan of Grafton Dist. 11; Sen. Hough of Dist. 5 - To Resources, Recreation and Development)

HB 742, relative to bidding practices at auctions. (Rep. Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 743, relative to security deposits on rental property. (Rep. Chambers of Grafton Dist. 12 - To State Institutions and Housing)

HB 744, relative to contracts for the retail installment sales of motor vehicles. (Rep. Baldizar of Hillsborough Dist. 22 - To Commerce, Small Business and Consumer Affairs)

HB 746, relative to legalizing the Winchester town meeting. (Rep. Clark of Cheshire Dist. 3 - To Municipal and County Government)

HB 747, relative to the operation of bingo games at agricultural fairs. (Rep. Phelps of Merrimack Dist. 1 - To Regulated Revenues)

HB 748-FN-A, relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor. (Rep. Kidder of Merrimack Dist. 2; Rep. Sallada of Hillsborough Dist. 4 - To Legislative Administration)

HB 749, permitting persons qualified to hunt from motor vehicles to hunt from OHRVs and ATVs. (Rep. Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 750, relative to notification of land surveys to abutting landowners. (Rep. Watson of Hillsborough Dist. 13 - Municipal and County Government)

HB 751, relative to surrogate parenting contracts. (Rep. Green of Hillsborough Dist. 36 - To Judiciary)

HB 752, repealing the restriction on horsepower on Hermit Lake in the town of Sanbornton. (Rep. Maviglio of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 753, reinstating the charter of Bethlehem Mink Farm, Inc. (Rep. Densmore of Grafton Dist. 3 - To Constitutional and Statutory Revision)

HB 754-A, making an appropriation to acquire abandoned railroad rights of way. (Rep. Ingram of Sullivan Dist. 4; Rep. Hoar of Rockingham Dist. 6 - To Public Works)

HB 755, relative to the Goffstown police department. (Rep. Gage of Hillsborough Dist. 6; Rep. Kelly of Hillsborough Dist. 6 - To Municipal and County Government)

HB 756, prohibiting harassment of police dogs or horses. (Rep. Gage of Hillsborough Dist. 6; Sen. Bond of Dist. 1 - To Judiciary)

HB 757-FN-A, exempting direct obligations of the United States government from taxation under the interest and dividends tax. (Rep. Whittemore of Merrimack Dist. 10 - To Ways and Means)

HB 758-FN, establishing a committee to study the juvenile justice system and juvenile delinquency. (Rep. Rodeschin of Sullivan Dist. 2; Rep. Schotanus of Sullivan Dist. 1; Rep. Spaulding of Sullivan Dist. 6; Sen. Disnard of Dist. 8 - To Children, Youth and Elderly Affairs)

HB 759-FN-A, relative to constructing facilities for the office of the chief medical examiner and making an appropriation therefor. (Rep. Pearson of Belknap Dist. 5 - To Public Works)

HB 760, relative to motor vehicles exempted from regulation as motor carriers. (Rep. Jacobson of Hillsborough Dist. 26; Rep. Donovan of Hillsborough Dist. 26 - To Transportation)

HB 761-FN-A, establishing a division of fleet administration and making an appropriation therefor. (Rep. LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 762-FN-A, making supplemental appropriations to the fish and game department. (Rep. LaMott of Grafton Dist. 5 - To Appropriations)

HB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem. (Rep. Campbell of Rockingham Dist. 20 - To Resources, Recreation and Development)

HB 764-FN-A, relative to access points to a lake and making an appropriation therefor. (Rep. Sallada of Hillsborough Dist. 4 - To Fish and Game)

HB 765-FN-A, relative to the printing of "New Hampshire Historical Markers," and making an appropriation therefor. (Rep. Sallada of Hillsborough Dist. 4 - To Public Works)

HB 766, relative to utility easements. (Rep. West of Merrimack Dist. 21 - To Municipal and County Government)

HB 767, relative to the contracts made by nonprofit corporations. (Rep. Gross of Merrimack Dist. 16 - To Judiciary)

HB 768-FN, relative to the frequency of regional highway conferences. (Rep. Hoar of Rockingham Dist. 6; Sen. Preston of Dist. 23 - To Public Works)

HB 769-FN, relative to rulemaking authority for the division of elderly and adult services. (Rep. Parks of Strafford Dist. 6; Rep. Townsend of Sullivan Dist. 1 - To Children, Youth and Elderly Affairs)

HB 770-FN, relative to loan originators. (Rep. Lindblade of Sullivan Dist. 5; Rep. Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 771, relative to the election of Hillsborough county commissioners. (Rep. Ahrens of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

HB 772, providing for the classification of Lake Wentworth. (Rep. Chase of Carroll Dist. 6 - To Resources, Recreation and Development)

HB 773-FN-A, making supplemental appropriations to the commission on the status of women. (Rep. Pariseau of Hillsborough Dist. 43 - To Appropriations)

HB 774-FN, relative to the New Hampshire municipal bond bank. (Rep. Ware of Hillsborough Dist. 18; Rep. Ahrens of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization. (Rep. Jones of Strafford Dist. 6 - To Constitutional and Statutory Revision)

HB 776, relative to the examination of jurors. (Rep. Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 777-FN, relative to real estate appraisals conducted by banks and other lending institutions for loan applicants. (Rep. Maviglio of Belknap Dist. 1 - To Commerce, Small Business and Consumer Affairs)

HB 778, relative to the disqualification of certain election officials. (Rep. King of Rockingham Dist. 4 - To Constitutional and Statutory Revision)

HB 779-FN-A, requiring the installation of 2 traffic lights in Newport and making an appropriation therefor. (Rep. Peyron of Sullivan Dist. 2; Rep. Flint of Sullivan Dist. 2 - To Transportation)

HB 780, relative to Loon Pond. (Rep. Stewart of Grafton Dist. 4 - To Resources, Recreation and Development)

HB 781, amending the uniform limited partnership act. (Rep. Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 782, relative to adoption of a uniform limited offering exemption. (Rep. Reardon of Hillsborough Dist. 37 - To Commerce, Small Business and Consumer Affairs)

HB 783, relative to grandparents' visitation rights. (Rep. Skinner of Rockingham Dist. 21; Rep. Daschbach of Cheshire Dist. 2 - To Children, Youth and Elderly Affairs)

HB 784, relative to control share acquisitions. (Rep. Lindblade of Sullivan Dist. 5; Rep. Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 785-FN-A, relative to the installation of metal detectors at the entrances to the house and senate galleries, and making an appropriation therefor. (Rep. Dexter of Belknap Dist. 8 - To Legislative Administration)

HB 786, prohibiting the transportation of persons and domesticated pets in open bed trucks. (Rep. Stewart of Grafton Dist. 4 - To Transportation)

HB 787-FN, relative to alternative energy supply plans for nuclear electric generating facilities. (Rep. Ritzo of Rockingham Dist. 18 - To Science, Technology and Energy)

HB 788-FN-A, relative to computing the rate of the normal yield tax. (Rep. Whittemore of Merrimack Dist. 10; Sen. Hounsell of Dist. 2 - To Ways and Means)

HB 789-FN, relative to assessment of civil penalties under the workers' compensation law. (Rep. MacDonald of Rockingham Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 790-FN, relative to the public investments study committee. (Rep. Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 791, prohibiting banks and mortgage companies from engaging in certain activities. (Rep. Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 792, relative to traveling in the breakdown lane of certain state highways under certain conditions. (Rep. Bass of Hillsborough Dist. 7 - To Transportation)

HB 793-FN, requiring that a child's blood type be included on the birth certificate. (Rep. Domainque of Hillsborough Dist. 42 - To Health and Human Services)

HB 794-A, making capital appropriations and supplemental capital appropriations. (Rep. Pearson of Belknap Dist. 5; Rep. LaMott of Grafton Dist. 5; Rep. Sytek of Rockingham Dist. 20; Sen. Torr of Dist. 21 - To Public Works)

HB 795, relative to motor vehicle liability policies. (Rep. Nixon of Hillsborough Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 796-FN-A, relative to a study of highways and bridges in Sullivan county between I-89 and I-91 and making an appropriation therefor. (Rep. Krueger of Sullivan Dist. 6; Rep. Domini of Sullivan Dist. 5; Rep. Flint of Sullivan Dist. 2; Rep. Peyron of Sullivan Dist. 2; Rep. Townsend of Sullivan Dist. 1; Sen. Disnard of Dist. 8 - To Public Works)

HB 797, relative to regulation of restaurants. (Rep. Watson of Hillsborough Dist. 13 - To Health and Human Services)

HB 798-FN, relative to special function liquor licenses for clubs. (Rep. Casey of Strafford Dist. 9; Rep. Nelson of Coos Dist. 8 - To Regulated Revenues)

HB 799-FN-A, relative to certain state publications and making appropriations for their more efficient production. (Rep. Burns of Coos Dist. 5; Rep. Phelps of Merrimack Dist. 1 - To Legislative Administration)

HB 800-FN, relative to special plates for Pearl Harbor veterans. (Rep. Olimpio of Carroll Dist. 7 - To Transportation)

HB 801-FN, relative to composition of the dental board. (Rep. Vaughn of Rockingham Dist. 27; Rep. Fillion of Merrimack Dist. 15; Sen. Nelson of Dist. 13 - To Executive Departments and Administration)

HB 802, relative to the Trustees of the New Hampshire Annual Conference of the United Methodist Church. (Rep. Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)

HB 803, relative to OHRV operation. (Rep. Foss of Coos Dist. 2 - To Fish and Game)

HB 804-FN, establishing a study committee on alternative electrical generation. (Rep. Foss of Coos Dist. 2 - To Science, Technology and Energy)

HB 805, relative to manslaughter. (Rep. Gage of Rockingham Dist. 13 - To Judiciary)

HB 806, relative to the price of wine. (Rep. Phelps of Merrimack Dist. 1 - To Regulated Revenues)

HB 807-FN-A, relative to the executive director of the state liquor commission and making an appropriation therefor. (Rep. Phelps of Merrimack Dist. 1 - To Regulated Revenues)

HB 808-FN, to change the liquor vendor license fees charged by the liquor commission. (Rep. Phelps of Merrimack Dist. 1 - To Regulated Revenues)

HB 809, requiring manufacturers of lucky 7 tickets to record serial numbers of every ticket sold in the state. (Rep. Phelps of Merrimack Dist. 1; Sen. Podles of Dist. 16 - To Regulated Revenues)

HB 810-FN, relative to overseas voters. (Rep. Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 811-FN-A, relative to preventative services for certain adults and making an appropriation therefor. (Rep. Townsend of Sullivan Dist. 1; Rep. Jones of Strafford Dist. 6; Rep. Mason of Hillsborough Dist. 8; Rep. Parks of Strafford Dist. 6; Sen. Podles of Dist. 16 - To Children, Youth and Elderly Affairs)

HB 812, relative to mutual savings banks. (Rep. Pantzer of Merrimack Dist. 11; Rep. Packard of Hillsborough Dist. 15; Rep. Lindblade of Sullivan Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 813-FN, relative to liens on real property for hazardous waste cleanup costs. (Rep. Tarpley of Hillsborough Dist. 9; Rep. Holden of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 814-FN, relative to penalties imposed by and the staff of the pharmacy board. (Rep. Stio of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 815-FN, relative to the joint committee on elderly affairs. (Rep. Parks of Strafford Dist. 6; Rep. Holmes of Merrimack Dist. 13; Rep. Parr of Rockingham Dist. 17; Rep. Domini of Sullivan Dist. 5; Sen. Chandler of Dist. 7; Sen. Podles of Dist. 16 - To Children, Youth and Elderly Affairs)

HB 816, prohibiting the hunting of mourning doves in New Hampshire. (Rep. Rehlander of Merrimack Dist. 8 - To Fish and Game)

HB 817-FN, relative to coordinating programs for the elderly. (Rep. Parks of Strafford Dist. 6; Rep. Parr of Rockingham Dist. 17; Rep. Holmes of Merrimack Dist. 13; Rep. Townsend of Sullivan Dist. 1; Sen. Chandler of Dist. 7; Sen. Krasker of Dist. 24; Sen. Podles of Dist. 16 - To Children, Youth and Elderly Affairs)

HB 818, relative to the taking of trout. (Rep. Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 819, relative to the setting of black bear seasons. (Rep. Perham of Hillsborough Dist. 10 - To Fish and Game)

HB 820, relative to the hunter safety program. (Rep. Dionne of Strafford Dist. 5 - To Fish and Game)

HB 821, legalizing the Atkinson town meeting. (Rep. Flanagan of Rockingham Dist. 8; Rep. Gourdeau of Rockingham Dist. 8 - to Municipal and County Government)

HB 822, relative to prescription refills. (Rep. Sullivan of Hillsborough Dist. 39 - To Health and Human Services)

HB 823, relative to collective bargaining. (Rep. Blanchette of Rockingham Dist. 12; Rep. Gage of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 824, relative to area school district agreements. (Rep. Vaughn of Rockingham Dist. 27; Rep. McCann of Strafford Dist. 7 - To Education)

HB 825-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test by a certified breathalyzer operator, or if the results of such tests by certified breathalyzer operators show that a DWI offense has been committed. (Rep. Lussier of Strafford Dist. 8 - To Judiciary)

HB 826-FN-A, authorizing the hiring of a consultant to review the effectiveness of foundation aid, and making an appropriation therefor, and relative to the teacher shortage study committee. (Rep. Robinson of Hillsborough Dist. 12; Rep. Hounsell of Carroll Dist. 2; Sen. Disnard of Dist. 8 - To Education)

HB 827-FN, relative to health screening for members of the general court. (Rep. Sochalski of Rockingham Dist. 23 - To Legislative Administration)

HB 828-FN, relative to school administrative units. (Rep. Arnott of Cheshire Dist. 14 - To Education)

HB 829, relative to the definition of manufactured housing park. (Rep. Butler of Rockingham Dist. 11 - To Municipal and County Government)

HB 830-FN-A, making a supplemental appropriation for costs of nursing home care. (Rep. Ramsay of Cheshire Dist. 10; Rep. Weymouth of Grafton Dist. 2 - To Appropriations)

HB 831-FN-A, relative to reimbursement for oil spill damage and making an appropriation therefor. (Rep. Vaughn of Rockingham Dist. 27; Rep. Palumbo of Rockingham Dist. 10; Rep. Ritzo of Rockingham Dist. 18; Rep. Felch of Rockingham Dist. 14; Sen. Torr of Dist. 21 - To Resources, Recreation and Development)

HB 832, establishing a 10-year bridge construction and reconstruction plan. (Rep. Pearson of Belknap Dist. 5; Rep. Chamberlin of Strafford Dist. 4 - To Public Works)

HB 833, limiting the liability of housing finance board members and library volunteers. (Rep. Skinner of Rockingham Dist. 21 - To Judiciary)

HB 834, relative to prima facie evidence. (Rep. Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 835, requiring a subcommittee of the house transportation committee to study the New Hampshire laws regarding motor vehicle salvage certificates of title and salvage vehicles. (Rep. Gordon of Cheshire Dist. 5; Rep. Haynes of Rockingham Dist. 9 - To Transportation)

HB 836-FN, amending various highway laws. Rep. Gordon of Cheshire Dist. 5; Rep. Haynes of Rockingham Dist. 9 - To Transportation)

HB 837, closing the clam flats in the towns of Hampton and Seabrook. (Rep. Baker of Hillsborough Dist. 19 - To Fish and Game)

HB 838, relative to commemorating Constitution Day in public schools. (Rep. Welch of Rockingham Dist. 10; Rep. Anderson of Merrimack Dist. 7; Rep. Granger of Hillsborough Dist. 13; Rep. Fields of Hillsborough Dist. 13 - To Education)

HB 839-FN, relative to discretionary provision of electric power services to certain consumers by public electric utilities. (Rep. Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 840, appointing the chief of permitting, division of water supply and pollution control, to the wetlands board. (Rep. Whittemore of Merrimack Dist. 10; Rep. Bardsley of Merrimack Dist. 1; Rep. Lewis of Merrimack Dist. 5; Rep. McCann of Strafford Dist. 7 - To Executive Departments and Administration)

HB 841-FN-A, establishing a commission to study the state's water use and making an appropriation therefor. (Rep. McCann of Strafford Dist. 7; Rep. Blanchard of Rockingham Dist. 26; Rep. Bardsley of Merrimack Dist. 1; Rep. Conroy of Rockingham Dist. 7; Rep. Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 842, enabling the town of Madison to revoke the charter of the village district of Eideweiss. (Rep. Holmes of Carroll Dist. 3 - To Municipal and County Government)

HB 843-FN-A, appropriating funds for the Northeast Rural Water Association for equipment, technical assistance and training to rural water systems. (Rep. McCann of Strafford Dist. 7; Rep. Dingle of Strafford Dist. 4; Sen. Hounsell of Dist. 2 - To Resources, Recreation and Development)

HB 844-FN, relative to free transit through turnpike system toll booths. (Rep. Buckley of Hillsborough Dist. 42 - To Public Works)

HB 845-FN, relative to the department of corrections. (Rep. Sytek of Rockingham Dist. 20 - To Judiciary)

HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists. (Rep. Sytek of Rockingham Dist. 20 - To Health and Human Services)

HB 847-FN-A, making a supplemental appropriation for indigent defense. (Rep. Sytek of Rockingham Dist. 20; Rep. Sanderson of Rockingham Dist. 25; Sen. Delahunty of Dist. 22 - To Appropriations)

HB 848, relative to burials on private property. (Rep. Olimpio of Carroll Dist. 7 - To Public Protection and Veterans Affairs)

HB 849-FN, relative to claims against the state. (Rep. Fraser of Merrimack Dist. 6; Sen. Bond of Dist. 1 - To Executive Departments and Administration)

HB 850, exempting motor vehicles carrying washed sand, screened loam, and crushed stone to be used for construction in this state from regulation by the public utilities commission. (Rep. Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 851-FN, prohibiting the detention or incarceration of persons under the age of 18 years in county correctional facilities. (Rep. Skinner of Rockingham Dist. 21; Rep. Welch of Rockingham Dist. 10 - To Judiciary)

HB 852-FN, relative to New Hampshire hospital personnel. (Rep. Butler of Rockingham Dist. 11; Rep. Bates of Strafford Dist. 1; Sen. White of Dist. 11 - To Executive Departments and Administration)

HB 853-FN, exempting the WIC program from state indirect cost rate requirements. (Rep. Parr of Rockingham, Dist. 17; Rep. Butler of Rockingham Dist. 11; Rep. Wallner of Merrimack Dist. 18 - To Children, Youth and Elderly Affairs)

HB 854-FN, relative to special plates for county commissioners. (Rep. Dexter of Belknap Dist. 8 - To Transportation)

HB 855-FN, relative to timber sales on fish and game department land. (Rep. Scanlan of Grafton Dist. 11 - To Fish and Game)

HB 856-FN, relative to herbicide applications on utility rights-of-way. (Rep. Whittemore of Merrimack Dist. 10 - To Environment and Agriculture)

HB 857, relative to public utility herbicide and pesticide applications near domestic water supplies. (Rep. Whittemore of Merrimack Dist. 10; Rep. Dingle of Strafford Dist. 4 - To Environment and Agriculture)

HB 858-FN, relative to fetal alcohol syndrome. (Rep. Wilson of Strafford Dist. 4; Rep. Torr of Strafford Dist. 6 - To Health and Human Services)

HB 859-A, making an appropriation for the purchase of a building for the division for children and youth services. (Rep. Johnson of Merrimack Dist. 5 - To Public Works)

HB 860-FN, relative to New Hampshire motor vehicle license plates. (Rep. Warburton of Rockingham Dist. 6; Rep. Gordon of Merrimack Dist. 7 - To Transportation)

HB 861-FN, requiring insurers to notify the labor commissioner and the insurance commissioner when an employer cancels a group health

insurance policy. (Rep. Knight of Merrimack Dist. 14; Rep. Weddle of Rockingham Dist. 24; Rep. Derosier of Hillsborough Dist. 26 - To Commerce, Small Business and Consumer Affairs)

HB 862-FN, relative to solid waste disposal and source reduction. (Rep. Greene of Rockingham Dist. 18; Rep. Millard of Merrimack Dist. 4; Rep. Holmes of Carroll Dist 3; Rep. Tarpley of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 863-FN-A, relative to an intrastate computer system to record outstanding arrest warrants for misdemeanors and continually appropriating interest assessments on overdue traffic violation fines for the funding of such system. (Rep. Barnes of Rockingham Dist. 6 - To Judiciary)

HB 864-FN, authorizing the public utilities commission to regulate cable television systems. (Rep. Smith of Hillsborough Dist. 21; Rep. Baker of Hillsborough Dist. 19; Sen. Charbonneau of Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 865-FN, enabling towns and village districts to hold special meetings for zoning ordinance amendments. (Rep. Lown of Hillsborough Dist. 9 - To Municipal and County Government)

HB 866-FN-A, transferring the administrative rules division of the office of legislative services to the jurisdiction of the joint legislative committee on administrative rules and making an appropriation therefor. (Rep. Palumbo of Rockingham Dist. 10; Rep. Phelps of Merrimack Dist. 1 - To Legislative Administration)

HB 867-FN, relative to bonding authority for the Conway village fire district. (Rep. Allard of Carroll Dist 2; Rep. Dickinson of Carroll Dist. 2; Rep. Hounsell of Carroll Dist. 2; Sen. Heath of Dist. 3; Sen. Hounsell of Dist. 2 - To Municipal and County Government)

HB 868-FN-A, establishing mediation pilot programs and making an appropriation therefor. (Rep. Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 869-FN, establishing standards for mediators. (Rep. Jacobson of Merrimack Dist. 2; Sen. Nelson of Dist. 13 - To Judiciary)

HB 870-FN, relative to surety bonds for county treasurers and other county officers. (Rep. Matson of Cheshire Dist. 7; Rep. West of Merrimack Dist. 21 - To Municipal and County Government)

HB 871, relative to damages for wrongful death. (Rep. Hollingworth of Rockingham Dist. 17; Rep. Blanchette of Rockingham Dist. 12 - To Judiciary)

HB 872-FN, regulating risk retention groups and purchasing groups. (Rep. Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety. (Rep. Cusson of Hillsborough Dist. 35 - To Transportation)

HB 874, permitting every county attorney to appoint an assistant county attorney. (Rep. Cusson of Hillsborough Dist. 35 - To Municipal and County Government)

HB 875-FN, establishing a committee to study employment conditions at human services care providers contracting with the state. (Rep. Densmore of Grafton Dist. 3 - To Health and Human Services)

HB 876, relative to restricting speed limits of boats in certain coves on Squam Lake. (Rep. Maviglio of Belknap Dist. 1; Rep. Blair of Grafton Dist. 8; Sen. Heath of Dist. 3 - To Transportation)

HB 877, relative to assistance to handicapped persons at motor fuel service stations. (Rep. Zis of Hillsborough Dist. 28; Rep. Hollingworth of Rockingham Dist. 17 - To Transportation)

HB 878-FN, establishing a committee to study the health care benefits of retired policemen and firemen. (Rep. Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 879-FN, establishing a study committee relative to the promotion of electric vehicles in the state. (Rep. Chandler of Merrimack Dist. 21 - To Transportation)

HB 880, relative to certification of water quality laboratories. (Rep. Bardsley of Merrimack Dist. 1; Rep. Conroy of Rockingham Dist. 7 - To Resources, Recreation and Development)

HB 881-FN, relative to weights and measures. (Rep. Steiner of Hillsborough Dist. 33 - To Environment and Agriculture)

HB 882, relative to the rights and obligations of an injured employee under the workers' compensation law. (Rep. Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 883-FN, relative to resident and nonresident wholesale marine species licenses. (Rep. Drake of Rockingham Dist. 18; Rep. LaMott of Grafton Dist. 5 - To Fish and Game)

HB 884, relative to payment of rent by tenants. (Rep. Bourque of Hillsborough Dist. 35 - To State Institutions and Housing)

HB 885, relative to taking a boating safety course if convicted of any offense while boating. (Rep. Maviglio of Belknap Dist. 1; Rep. Blair of Grafton Dist. 8 - To Transportation)

HB 886, relative to the board of trustees of the university system of New Hampshire. (Rep. Tufts of Rockingham Dist. 13 - To Education)

HB 887, relative to the jurisdiction of marine patrol officers. (Rep. Bardsley of Merrimack Dist. 1; Rep. Maviglio of Belknap Dist. 1; Rep. Young of Strafford Dist. 10 - To Transportation)

HB 888, relative to the qualifications of the director of water supply and pollution control. (Rep. Holmes of Carroll Dist. 3; Rep. Bardsley of Merrimack Dist. 1 - To Executive Departments and Administration)

HB 889-FN, requiring all new statutes to be written in gender-neutral form. (Rep. Cushing of Rockingham Dist. 14; Rep. McGovern of Rockingham Dist. 27 - To Legislative Administration)

HB 890-FN, relative to permits and responsibility for dams. (Rep. Whittemore of Merrimack Dist. 10; Rep. Bardsley of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 891, relative to extended rulemaking authority of division directors of the department of environmental services. (Rep. Holmes of Carroll Dist. 3; Rep. Bardsley of Merrimack Dist. 1 - To Executive Departments and Administration)

HB 892, relative to the provision of power to customers by public utility. (Rep. Schwartz of Cheshire Dist. 13; Rep. Hunt of Cheshire Dist. 9; Rep. Hall of Merrimack Dist. 7; Rep. Read of Rockingham Dist. 28; Rep. Crystal of Grafton Dist. 12 - To Science, Technology and Energy)

HB 893-FN-A, making a supplemental appropriation to the fish and game department. (Rep. LaMott of Grafton Dist. 5 - To Appropriations)

HB 894, relative to the authority of the city of Concord to provide limited water service to the town of Bow. (Rep. Hager of Merrimack Dist. 21; Sen. McLane of Dist. 15 - To Municipal and County Government)

HB 895-FN, relative to public school instruction on the effects of alcohol and controlled drugs. (Rep. Packard of Hillsborough Dist. 15 - To Education)

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation. (Rep. Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 897, relative to annual reports of county officers. (Rep. Palumbo of Rockingham Dist. 10; Rep. Chase of Rockingham Dist. 28; Rep. Schmidtchen of Rockingham Dist. 23; Rep. Skinner of Rockingham Dist. 21; Rep. Schwaner of Rockingham Dist. 9 - To Municipal and County Government)

HB 898-FN, providing minimum occupational health and safety standards for the operation of video display terminals at places of employment. (Rep. Cushing of Rockingham Dist. 14; Rep. Arnesen of Grafton Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 899-FN-A, relative to costs of municipal master plans and making an appropriation therefor. (Rep. Chambers of Grafton Dist. 12; Rep. Pelley of Strafford Dist. 10; Rep. Rosencrantz of Rockingham Dist. 15; Rep. Normandin of Sullivan Dist. 8; Rep. Trombly of Merrimack Dist. 4 - To Municipal and County Government)

HB 900, extending the reporting dates for the study committee to examine the cooperative extension service and the fire law study committee. (Rep. Sherburne of Rockingham Dist. 2; Rep. Dickinson of Carroll Dist. 2; Rep. Townsend of Grafton Dist. 13; Rep. Wall of Strafford Dist. 4; Rep. Benton of Rockingham Dist. 5; Sen. Disnard of Dist. 8; Sen. Blaisdell of Dist. 10; Sen. Charbonneau of Dist. 14 - To Legislative Administration)

HB 901-FN, relative to construction work in progress of public utilities. (Rep. Foss of Coos Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 902, relative to county foresters. (Rep. Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 903, relative to the office of the ombudsman. (Rep. Townsend of Sullivan Dist. 1; Rep. Copenhaver of Grafton Dist. 12 - To Executive Departments and Administration)

HB 904-FN, relative to the Vermont state income tax. (Rep. Christy of Grafton Dist. 11; Rep. Hammond of Grafton Dist. 11; Rep. Scanlan of Grafton Dist. 11; Sen. Hough of Dist. 5 - To Judiciary)

HB 905, relative to surrogate parents appointed for educationally handicapped children. (Rep. Fillion of Merrimack Dist. 15 - To Education)

HB 906, relative to combining certain school district offices and combining school district and town meetings. (Rep. Campbell of Belknap Dist. 5 - To Municipal and County Government)

HB 907-FN, relative to district court jurisdiction in planning and zoning matters. (Rep. Hess of Merrimack Dist. 9 - To Judiciary)

HB 908-FN, relative to the salary of the superintendent of the Glencliff home for the elderly. (Rep. LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 909, relative to responsibility for tenants' property taxes in manufactured housing parks. (Rep. Lussier of Strafford Dist. 8; Rep. Doucette of Cheshire Dist. 17 - To Municipal and County Government)

HB 910, relative to manufactured housing deeds. (Rep. Lussier of Strafford Dist. 8; Rep. Doucette of Cheshire Dist. 17 - To Municipal and County Government)

HB 911, relative to service of termination notice on a manufactured housing park tenant. (Rep. Lussier of Strafford Dist. 8; Rep. Doucette of Cheshire Dist. 17 - To Municipal and County Government)

HB 912, relative to rules in manufactured housing parks. (Rep. Lussier of Strafford Dist. 8; Rep. Doucette of Cheshire Dist. 17 - To Municipal and County Government)

HB 913-FN-A, requiring permits for rental lots in manufactured housing parks, establishing a manufactured housing section within the department of justice, and continually appropriating permit fees and penalties to a manufactured housing fund. (Rep. Lussier of Strafford Dist. 8; Rep. Doucette of Cheshire Dist. 17 - To Municipal and County Government)

HB 914, relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax. (Rep. Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 915, relative to age discrimination in retirement communities. (Rep. Hall of Merrimack Dist. 7 - To State Institutions and Housing)

HB 916-FN-A, making a supplemental appropriation for child welfare. (Rep. Hall of Merrimack Dist. 7 - To Appropriations)

HB 917, making technical changes for the department of revenue administration. (Rep. West of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 918, relative to recording notices of federal environmental liens in the registry of deeds. (Rep. Chretien of Hillsborough Dist. 33 - To Municipal and County Government)

HB 919-FN, relative to the matching requirements for vocational rehabilitation programs. (Rep. Sochalski of Rockingham Dist. 23 - To Education)

HB 920, relative to the boilers and pressure vessels law. (Rep. Nichols of Merrimack Dist. 2 - To Public Protection and Veterans Affairs)

HB 921-FN, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans. (Rep. Pearson of Belknap Dist. 5; Rep. Chamberlin of Strafford Dist. 4; Rep. Price of Hillsborough Dist. 28; Sen. Torr of Dist. 21 - To Public Works)

HB 922-FN, relative to providing American flags for use in school classrooms. (Rep. Granger of Hillsborough Dist. 13; Rep. Anderson of Merrimack Dist. 7; Rep. Fields of Hillsborough Dist. 13; Rep. Welch of Rockingham Dist. 10; Sen. Hounsell of Dist. 2 - To Public Protection and Veterans Affairs)

HB 923, relative to dredging on great ponds. (Rep. Dingle of Strafford Dist. 4; Rep. Bardsley of Merrimack Dist. 1; Rep. Vaughn of Rockingham Dist. 27 - To Resources, Recreation and Development)

HB 924, to increase the age limit relative to the motor vehicle child restraint requirement. (Rep. Pappas of Hillsborough Dist. 37; Rep. Robinson of Hillsborough Dist. 12; Rep. Wilson of Strafford Dist. 4; Rep. Bates of Strafford Dist. 1; Rep. Green of Hillsborough Dist. 36; Sen. McLane of Dist. 15; Sen. Krasker of Dist. 24 - To Health and Human Services)

HB 925-FN, establishing a committee to study the feasibility of 10-month legislative sessions, with one session day per week. (Rep. Weddle of Rockingham Dist. 24; Rep. Knight of Merrimack Dist. 14 - To Legislative Administration)

HB 926-FN, authorizing the public utilities commission to regulate cable television. (Rep. Knight of Merrimack Dist. 14; Rep. Derosier of Hillsborough Dist. 26; Rep. Weddle of Rockingham Dist. 24; Rep. Baker of Hillsborough Dist. 19; Sen. Charbonneau of Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 927, concerning certain labor laws. (Rep. Knight of Merrimack Dist. 14; Rep. Palumbo of Rockingham Dist. 10; Rep. Chambers of Grafton Dist. 12; Rep. Pierce of Cheshire Dist. 17; Sen. Krasker of Dist. 24 - To Labor, Industrial and Rehabilitative Services)

HB 928-FN-A, appropriating funds to municipalities and regional planning commissions to encourage recycling programs. (Rep. Whittemore of Merrimack Dist. 10 - To Environment and Agriculture)

HB 929, to require health clubs to have one staff member trained in cardiopulmonary resuscitation techniques on duty during all operating hours. (Rep. Desrosiers of Hillsborough Dist. 43 - To Health and Human Services)

HB 930-FN, requiring severance pay to be paid to employees upon the closing of manufacturing facilities. (Rep. Cushing of Rockingham Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 931, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts. (Rep. Ritzo of Rockingham Dist. 18 - To Resources, Recreation and Development)

HB 932-FN-A, establishing a New Hampshire film and television bureau and making an appropriation therefor. (Rep. LaMott of Grafton Dist. 5; Rep. Bates of Strafford Dist. 1; Rep. O'Rourke of Hillsborough Dist. 35; Rep. Torr of Strafford Dist. 6; Rep. Sanderson of Rockingham Dist. 25 - To Executive Departments and Administration)

HB 933-FN-A, mandating testing for AIDS in county jails and making an appropriation therefor. (Rep. Burns of Hillsborough Dist. 11 - To Health and Human Services)

HB 934, requiring an AIDS carrier to disclose that fact to certain persons. (Rep. Burns of Hillsborough Dist. 11 - To Health and Human Services)

HB 935, relative to recording plats. (Rep. Bates of Strafford Dist. 1; Rep. Sochalski of Rockingham Dist. 23; Rep. West of Merrimack Dist. 21 - To Municipal and County Government)

HB 936, relative to discoverability of risk in product liability actions. (Rep. Bass of Hillsborough Dist. 7 - To Judiciary)

HB 937-FN, relative to "on premise signs" in certain highway rights-of-way. (Rep. Beaton of Merrimack Dist. 3; Sen. Disnard of Dist. 8 - To Public Works)

HB 938, relative to plaintiff's payment of defendant's costs in tort actions. (Rep. Townsend of Grafton Dist. 13; Rep. Dickinson of Carroll Dist. 2; Sen. Charbonneau of Dist. 14 - To Judiciary)

HB 939-FN, relative to public notice and hearing before a hazardous waste cleanup. (Rep. Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HB 940, relative to child support enforcement and paternity. (Rep. Arnold of Hillsborough Dist. 33; Rep. Densmore of Grafton Dist. 3; Rep. King of Grafton Dist. 6; Rep. Vartanian of Rockingham Dist. 20; Sen. Roberge of Dist. 9 - To Children, Youth and Elderly Affairs)

HB 941, to repeal the "poor loser" law. (Rep. Arnesen of Grafton Dist. 7 - To Constitutional and Statutory Revision)

HB 942, relative to treatment by physical therapy. (Rep. McCain of Rockingham Dist. 11; Rep. Kelly of Hillsborough Dist. 6; Rep. Malcolm of Rockingham Dist. 17; Rep. Bates of Strafford Dist. 1; Rep. Copenhaver of Grafton Dist. 12; Sen. Nelson of Dist. 13; Sen. Blaisdell of Dist. 10; Sen. Hounsell of Dist. 2; Sen. Charbonneau of Dist. 14 - To Health and Human Services)

HB 943-FN, allowing the court to grant drivers' licenses conditional upon the use of ignition interlock breath alcohol devices after certain DWI license revocations. (Rep. Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 944, enabling towns to hold special meetings to purchase land for conservation purposes. (Rep. Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 945, relative to the administrative procedure act. (Rep. Townsend of Sullivan Dist. 1; Sen. Charbonneau of Dist. 14 - To Legislative Administration)

HB 946, relative to denial, or threat of denial, of service by a public utility or its agents. (Rep. Cushing of Rockingham Dist. 14 - To Science, Technology and Energy)

HB 947-FN, relative to school system pupil registration information. (Rep. Fillion of Merrimack Dist. 15 - To Education)

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district. (Rep. King of Grafton Dist. 6; Rep. Kilbride of Coos Dist. 8; Rep. Stewart of Grafton Dist. 4; Sen. Hounsell of Dist. 2 - To Municipal and County Government)

HB 949-FN, establishing a task force to study the feasibility of a one-use needle distribution program to combat the spread of the AIDS virus. (Rep. Weddle of Rockingham Dist. 24 - To Health and Human Services)

HB 950, requiring statutory authorization for DWI roadblocks. (Rep. Welch of Rockingham Dist. 10; Rep. Simon of Rockingham Dist. 9 - To Judiciary)

HB 951, relative to the availability of school district annual reports. (Rep. Olimpio of Carroll Dist. 7 - To Education)

HB 952, relative to boating restrictions on Robinson Pond in the town of Hudson. (Rep. Smith of Hillsborough Dist. 21; Rep. Boucher of

Hillsborough Dist. 19; Rep. Ducharme of Hillsborough Dist. 19; Sen. Charbonneau of Dist. 14 - To Resources, Recreation and Development)

HB 953-FN-A, relative to a fire protection system for the vault in the state archives and making an appropriation therefor. (Rep. Wright of Rockingham Dist. 23; Rep. Sallada of Hillsborough Dist. 4 - To Legislative Administration)

HB 954, relative to the boilers and pressure vessels law. (Rep. Nichols of Merrimack Dist. 2 - To Public Protection and Veterans Affairs)

HB 955-FN, relative to interstate banking. (Rep. Arnesen of Grafton Dist. 7; Rep. King of Grafton Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 956-FN, reenacting the mini Davis-Bacon Act. (Rep. Cushing of Rockingham Dist. 14 - To Labor, Industrial and Rehabilitative Services)

HB 957, relative to the powers of the Hooksett charter commission. (Rep. Hess of Merrimack Dist. 9 - To Municipal and County Government)

HB 958, transferring operation of the Eastern States Building from the department of agriculture to the department of resources and economic development. (Rep. LaMott of Grafton Dist. 5; Rep. O'Rourke of Hillsborough Dist. 35 - To Environment and Agriculture)

HB 959, relative to the future energy supply needs of New Hampshire. (Rep. Foss of Coos Dist. 2 - To Science, Technology and Energy)

HB 960-FN, requiring facilities to notify fire departments about certain stored chemicals. (Rep. Price of Hillsborough Dist. 28; Rep. Pearson of Belknap Dist. 5; Rep. Derosier of Hillsborough Dist. 26; Rep. Buckley of Hillsborough Dist. 42; Sen. Nelson of Dist. 13; Sen. Pressly of Dist. 12 - To Public Protection and Veterans Affairs)

HB 961, relative to the minimum speed limit for town roads outside of the urban district. (Rep. Behrens of Sullivan Dist. 3 - To Transportation)

HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor. (Rep. Behrens of Sullivan Dist. 3 - To Public Works)

HB 963-FN, relative to certain public utility contracts. (Rep. Chamberlin of Strafford Dist. 4; Rep. Foss of Coos Dist. 2 - To Science, Technology and Energy)

HB 964, granting law enforcement officials and certain employees of the department of health and human services the right to enter, without the consent of parent or guardian, public and certain private places to interview children or elderly persons who may be abused or neglected. (Rep. Domini of Sullivan Dist. 5; Rep. McCain of Rockingham Dist. 11; Sen. Nelson of Dist. 13 - To Children, Youth and Elderly Affairs)

HB 965-FN, establishing a study committee to examine the issue of parenting skills training. (Rep. Derosier of Hillsborough Dist. 26; Rep. Price of Hillsborough Dist. 28; Rep. Knight of Merrimack Dist. 14 - To Children, Youth and Elderly Affairs)

HB 966, relative to cellular radio telecommunications services and cable television services. (Rep. Foss of Coos Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 967, relative to open claiming. (Rep. Fesh of Rockingham Dist. 7 - To Regulated Revenues)

HB 968-FN, authorizing imposition of administrative fines by the water well board. (Rep. Bardsley of Merrimack Dist. 1; Rep. Blanchard of Rockingham Dist. 26; Rep. Blair of Grafton Dist. 8; Sen. Hounsell of Dist. 2; Sen. Heath of Dist. 3 - To Resources, Recreation and Development)

HB 969-FN, establishing a committee to study the development of an integrated transportation system in southern New Hampshire and the seacoast area. (Rep. Cushing of Rockingham Dist. 14; Rep. Knight of Merrimack Dist. 14; Rep. Buckley of Hillsborough Dist. 42; Rep. Koromilas of Strafford Dist. 6; Sen. Nelson of Dist. 13 - To Transportation)

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control. (Rep. Holmes of Carroll Dist. 3; Rep. Bardsley of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 971-FN, relative to unclassified state employee salaries. (Rep. Gross of Merrimack Dist. 16 - To Appropriations)

HB 972, relative to annulments of drug convictions and convictions which may result in habitual offender status. (Rep. Flanders of Rockingham Dist. 10; Rep. Malcolm of Rockingham Dist. 17 - To Judiciary)

HB 973, relative to adopting site plan review regulations. (Rep. Smith of Hillsborough Dist. 21 - To Municipal and County Government)

HB 974, relative to investment income as a factor in insurance rate setting. (Rep. Zis of Hillsborough Dist. 28; Rep. Hollingworth of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 975, prohibiting state antitrust exemptions for insurance companies. (Rep. Zis of Hillsborough Dist. 28; Rep. Hollingworth of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 976, relative to insurers' reporting requirements. (Rep. Zis of Hillsborough Dist. 28; Rep. Hollingworth of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 977-FN, relative to a feasibility study of an electronic benefit account system for welfare recipients. (Rep. Zis of Hillsborough Dist. 28; Rep. Hollingworth of Rockingham Dist. 17 - To Health and Human Services)

HB 978, legalizing the Newmarket town meeting. (Rep. Blanchette of Rockingham Dist. 12 - To Municipal and County Government)

HB 979-FN-A, establishing a fact-finding board to review medical claims and making an appropriation therefor. (Rep. Jacobson of Merrimack Dist. 2; Rep. Hall of Merrimack Dist. 7 - To Executive Departments and Administration)

HB 980-FN, relative to penalties for sewage treatment violations. (Rep. Baldizar of Hillsborough Dist. 22; Rep. Jacobson of Hillsborough Dist. 26; Rep. Tupper of Merrimack Dist. 6 - To Resources, Recreation and Development.)

HB 981-FN, relative to renting video cassettes to minors and requiring proof of age for admission of minors to movies. (Rep. Baldizar of Hillsborough Dist. 22; Rep. McCann of Hillsborough Dist. 31; Rep. McRae of Hillsborough Dist. 6; Rep. Lozeau of Hillsborough Dist. 25; Sen. Pressly of Dist. 12 - To Children, Youth and Elderly Affairs)

HB 982, relative to vehicles impeding the flow of traffic. (Rep. Knight of Merrimack Dist. 14; Rep. Cowenhoven of Hillsborough Dist. 9 - To Transportation)

HB 983, relative to early betting on thoroughbred racing. (Rep. Rounds of Grafton Dist. 10 - To Regulated Revenues)

HB 984, restricting foreign interests in New Hampshire banks under the laws governing regional banking. (Rep. Foss of Strafford Dist. 10; Sen. Hough of Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 985, relative to the penalty for littering from boats. (Rep. Maviglio of Belknap Dist. 1; Rep. Smith of Hillsborough Dist. 21 - To Transportation)

HB 986, relative to driver's license revocation or denial for involvement with drugs and alcohol. (Rep. Flanders of Rockingham Dist. 10; Rep. Steiner of Hillsborough Dist. 33; Rep. Malcolm of Rockingham Dist. 17 - To Transportation)

HB 987-FN-A, establishing a committee to study the conservation of the flags displayed in the hall of flags and making an appropriation therefor. (Rep. Hoar of Rockingham Dist. 6 - To Legislative Administration)

HB 988-FN, providing penalties for distribution of drugs and possession with intent to distribute drugs in or near schools. (Rep. Hess of Merrimack Dist. 9 - To Judiciary)

HB 989, relative to towed farm implements. (Rep. Schotanus of Sullivan Dist. 1; Rep. Sherburne of Rockingham Dist. 2; Rep. McCann of Hillsborough Dist. 31 - To Environment and Agriculture)

HB 990-FN-A, relative to construction of a new facility for the Concord district court and making an appropriation therefor. (Rep. Schmidtchen of Rockingham Dist. 23 - To Public Works)

HB 991-FN, relative to dental benefits for persons receiving medical assistance. (Rep. Dexter of Belknap Dist. 8; Rep. Pappas of Hillsborough Dist. 37; Sen. Hounsell of Dist. 2; Sen. McLane of Dist. 15 - To Health and Human Services)

HB 992, relative to local water resources and protection plans. (Rep. Blair of Grafton Dist. 8; Rep. Conroy of Rockingham Dist. 7; Rep. Smith of Hillsborough Dist. 21 - To Municipal and County Government)

HB 993, relative to the taking of beaver. (Rep. Drake of Rockingham Dist. 18 - To Fish and Game)

HB 994, relative to donating blood for family members. (Rep. Sullivan of Hillsborough Dist. 39; Rep. O'Rourke of Hillsborough Dist. 35 - To Health and Human Services)

HB 995-FN, relative to exemption from the gasoline tax and state license plates. (Rep. O'Rourke of Hillsborough Dist. 35; Rep. LaMott of Grafton Dist. 5; Rep. Reidy of Hillsborough Dist. 45; Rep. McGlynn of Hillsborough Dist. 29; Rep. Champagne of Hillsborough Dist. 48; Sen. Blaisdell of Dist. 10 - To Transportation)

HB 996-A, relative to the state's purchase of the Hillsborough county courthouse and to asbestos removal in the courthouse, and making an appropriation therefor. (Rep. Robinson of Hillsborough Dist. 12; Rep. Cowenhoven of Hillsborough Dist. 9; Sen. Podles of Dist. 16 - To Public Works)

HB 997-A, making an appropriation to air condition the state house and the state house annex. (Rep. Robinson of Hillsborough Dist. 12; Rep. Rounds of Grafton Dist. 10 - To Public Works)

HB 998-FN, relative to liability of manufacturers. (Rep. Thurston of Belknap Dist. 9; Rep. Palumbo of Rockingham Dist. 10; Rep. Gage of Rockingham Dist. 20; Sen. Bartlett of Dist. 19; Sen. Blaisdell of Dist. 10; Sen. Freese of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 999-FN, granting authority to the commissioner of environmental services to levy administrative fines for certain violations. (Rep. Whittemore of Merrimack Dist. 10 - To Resources, Recreation and Development)

HB 1000-FN-A, relative to the Christa McAuliffe memorial and making an appropriation therefor. (Rep. Sallada of Hillsborough Dist. 4 - To Public Works)

HB 1001-FN, relative to civil rights suits against municipal board members. (Rep. Lown of Hillsborough Dist. 9 - To Judiciary)

HB 1002-FN, relative to filing changes in condominium developments. (Rep. Lown of Hillsborough Dist. 9 - To Municipal and County Government)

HB 1003, relative to fault grounds for divorce. (Rep. Gage of Rockingham Dist. 13; Rep. Murphy of Hillsborough Dist. 40; Rep. Lown of Hillsborough Dist. 9; Rep. Moore of Hillsborough Dist. 5 - To Judiciary)

HB 1004, relative to the renewal of retired physicians' licenses. (Rep. Doucette of Cheshire Dist. 17 - To Health and Human Services)

HB 1005, relative to vicious dogs. (Rep. Burns of Hillsborough Dist. 11; Sen. Pressly of Dist. 12 - To Judiciary)

HB 1006-FN, relative to displacement of low-income residents from residential rental dwellings. (Rep. Weddle of Rockingham Dist. 24 - To State Institutions and Housing)

HB 1007-FN, relative to the date when municipalities must make tax payments to counties. (Rep. Bates of Strafford Dist. 1; Rep. Schotanus

of Sullivan Dist. 1; Rep. Skinner of Rockingham Dist. 21 - To Municipal and County Government)

HB 1008-FN, relative to aftermarket crash parts paid for by insurers. (Rep. Fields of Hillsborough Dist. 13; Rep. Kelley of Hillsborough Dist. 13; Sen. Charbonneau of Dist. 14; Sen. Nelson of Dist. 13; Sen. Podles of Dist. 16; Sen. Roberge of Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 1009-FN, relative to managing tax supported state debt. (Rep. Kurk of Hillsborough Dist. 3; Rep. Hayes of Merrimack Dist. 21 - To Ways and Means)

HB 1010, relative to regulation of abortions. (Rep. Eaton of Cheshire Dist. 4; Rep. McGovern of Rockingham Dist. 27; Rep. Reardon of Hillsborough Dist. 37; Rep. Pappas of Hillsborough Dist. 37 - To Judiciary)

HB 1011-FN, relative to a hazardous waste cleanup settlement policy. (Rep. Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HB 1012-FN, relative to motor vehicle emissions testing in Nashua. (Rep. Durant of Hillsborough Dist. 32 - To Transportation)

HB 1013, permitting notary publics and justices of the peace to register voters. (Rep. Cusson of Hillsborough Dist. 35 - To Constitutional and Statutory Revision)

HB 1014, prohibiting jet skis on Nubanuset Lake and Spoonwood Pond in the towns of Nelson and Hancock. (Rep. Riley of Cheshire Dist. 5; Rep. Harrington of Hillsborough Dist. 7; Sen. White of Dist. 11 - To Transportation)

HB 1015-FN, authorizing municipal ordinance violation boards. (Rep. Jacobson of Merrimack Dist. 2; Rep. Hall of Merrimack Dist. 7 - To Municipal and County Government)

HB 1016-FN, relative to municipal borrowing due to certain bankruptcies. (Rep. Stio of Merrimack Dist. 5 - To Municipal and County Government)

HB 1017-FN, relative to testing private water supplies for contaminants. (Rep. Katsakiores of Rockingham Dist. 7; Rep. Conroy of Rockingham Dist. 7; Rep. Schneiderat of Hillsborough Dist. 34; Sen. Podles of Dist. 16 - To Resources, Recreation and Development)

HB 1018-FN-A, imposing a supplemental road toll. (Rep. Chamberlin of Strafford Dist. 4; Rep. LaMott of Grafton Dist. 5; Rep. Chandler of Merrimack Dist. 21 - To Public Works)

HB 1019-FN-A, increasing financial aid for the North Swansey sewer interceptors and making an appropriation therefor. (Rep. Matson of Cheshire Dist. 7; Rep. Parker of Cheshire Dist. 11; Rep. Ramsay of Cheshire Dist. 10; Sen. Blaisdell of Dist. 10 - To Appropriations)

HB 1020-FN, relative to occupational therapists and occupational therapy assistants. (Rep. Copenhaver of Grafton Dist. 12 - To Executive Departments and Administration)

HB 1021-FN, relative to the treatment and care of inebriates. (Rep. Knight of Hillsborough Dist. 6; Rep. Holmes of Merrimack Dist. 13; Rep. Pappas of Hillsborough Dist. 37; Rep. Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 1022-FN, relative to investment of public funds. (Rep. Ware of Hillsborough Dist. 18; Rep. Ahrens of Hillsborough Dist. 13; Sen. Heath of Dist. 3 - To Commerce, Small Business and Consumer Affairs)

HB 1023, prohibiting the use of jet skis on Silver Lake in the town of Harrisville. (Rep. Riley of Cheshire Dist. 5; Sen. White of Dist. 11 - To Transportation)

HB 1024-FN, relative to the defense and indemnification of New Hampshire conservation districts, their officials and employees. (Rep. Copenhaver of Grafton Dist. 12; Rep. Gordon of Cheshire Dist. 5 - To Judiciary)

HB 1025-FN, requiring employers to offer health insurance benefits to part-time employees. (Rep. Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1026-FN, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations. (Rep. Arnesen of Grafton Dist. 7; Rep. Palumbo of Rockingham Dist. 10; Rep. Chambers of Grafton Dist. 12; Sen. McLane of Dist. 15 - To Constitutional and Statutory Revision)

HB 1027, relative to the publication of the names of juveniles convicted of possession of marijuana. (Rep. Cooke of Rockingham Dist. 20; Rep. Domini of Sullivan Dist. 5; Rep. Tilton of Rockingham Dist. 20 - To Judiciary)

HB 1028-FN, relative to the water resources statutes. (Rep. Blanchard of Rockingham Dist. 26; Rep. Dickinson of Carroll Dist. 2; Sen. Preston of Dist. 23 - To Resources, Recreation and Development)

HB 1029-FN, relative to boating safety education. (Rep. Ware of Hillsborough Dist. 18 - To Transportation)

HB 1030-FN, relative to sexual harassment in the workplace. (Rep. Domaingue of Hillsborough Dist. 42 - To Labor, Industrial and Rehabilitative Services)

HB 1031-FN, relative to investment of state funds in corporations doing business in Northern Ireland. (Rep. Mulligan of Hillsborough Dist. 23; Sen. Delahunty of Dist. 22 - To State-Federal Relations)

HB 1032-FN, relative to athlete agents. (Rep. Jones of Hillsborough Dist. 20 - To Education)

HB 1033-FN, relative to licensing of solid waste transporters. (Rep. Holmes of Carroll Dist. 3; Rep. Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 1034-FN, relative to the sale or transfer of certain property bordering great ponds. (Rep. Bennett of Grafton Dist. 9 - To Resources, Recreation and Development)

HB 1035-FN-A, imposing a 4 percent tax on income to fund the catastrophic illness program fund and provide insurance coverage for low income residents; and making an appropriation therefor. (Rep. Bennett of Grafton Dist. 9 - To Ways and Means)

HB 1036-FN, relative to motor vehicle inspections. (Rep. Maviglio of Belknap Dist. 1; Rep. Mann of Merrimack Dist. 5; Rep. Knight of Merrimack Dist. 14; Rep. Townsend of Sullivan Dist. 1; Sen. Preston of Dist. 23; Sen. Heath of Dist. 3 - To Transportation)

HB 1037-FN, relative to off highway recreational vehicles. (Rep. Jones of Hillsborough Dist. 20 - To Fish and Game)

HB 1038-FN, relative to credit services organizations. (Rep. Hall of Merrimack Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1039-FN, providing for random, unannounced testing of the effectiveness of nuclear emergency response plans. (Rep. Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 1040-FN, prohibiting towns from using public funds to remove snow from private roads and driveways. (Rep. Foss of Coos Dist. 2 - To Municipal and County Government)

HB 1041-FN-A, relative to a proposed Ammonoosuc state park and making an appropriation therefor. (Rep. Foss of Coos Dist. 2 - To Resources, Recreation and Development)

HB 1042-FN, relative to road toll laws and the regional fuel tax agreement. (Rep. Haynes of Rockingham Dist. 9 - To Transportation)

HB 1043-FN, relative to state investments in South Africa and Namibia. (Rep. Read of Rockingham Dist. 28 - To State-Federal Relations)

HB 1044, relative to the minimum age for operating a power boat in the state. (Rep. Malcolm of Rockingham Dist. 17 - To Transportation)

HB 1045-FN-A, establishing a committee to study funding for affordable housing and land conservation. (Rep. King of Grafton Dist. 6 - To State Institutions and Housing)

HB 1046-FN-A, increasing the tax on certain pari-mutuel pools to 2 percent. (Rep. Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 1047-FN, relative to office supplies and phone call reimbursement for members of the general court. (Rep. Weddle of Rockingham Dist. 24; Rep. Knight of Merrimack Dist. 14 - To Legislative Administration)

HB 1048-FN, relative to medical and health insurance coverage for retired non-state group I and group II New Hampshire retirement system members. (Rep. Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 1049-FN, relative to the travel allowance for members of the general court. (Rep. Fillion of Merrimack Dist. 15; Rep. Hager of Merrimack Dist. 21; Rep. Townsend of Sullivan Dist. 1 - To Legislative Administration)

HB 1050-FN, relative to death benefits for beneficiaries of group II members. (Rep. Gage of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 1051-FN, relative to low-level radioactive waste sites. (Rep. Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 1052-FN, relative to the youth employment law. (Rep. Nichols of Merrimack Dist. 2 - To Labor, Industrial and Rehabilitative Services)

HB 1053-FN, establishing the position of chief boiler inspector. (Rep. Nichols of Merrimack Dist. 2 - To Labor, Industrial and Rehabilitative Services)

HB 1054-FN, relative to compulsory overtime. (Rep. Cushing of Rockingham Dist. 14 - To Labor, Industrial and Rehabilitative Services)

HB 1055-FN, relative to the committee studying the laws pertaining to the elderly. (Rep. Parks of Strafford Dist. 6; Rep. Domini of Sullivan Dist. 5; Rep. Holmes of Merrimack Dist. 13; Rep. Parr of Rockingham Dist. 17; Sen. Podles of Dist. 16 - To Children, Youth and Elderly Affairs)

HB 1056-FN-A, authorizing the payment of bond expenses out of bond proceeds and continually appropriating funds for such expenses if bond proceeds are insufficient. (Rep. Steiner of Hillsborough Dist. 33 - To Ways and Means)

HB 1057-FN, relative to notifying property owners of zoning changes. (Rep. Hess of Merrimack Dist. 9 - To Municipal and County Government)

HB 1058-FN, relative to the penalty for possession of certain narcotic drugs. (Rep. Hess of Merrimack Dist. 9 - To Judiciary)

HB 1059, relative to wage assignment. (Rep. Hall of Merrimack Dist. 7 - To Children, Youth and Elderly Affairs)

HB 1060, establishing a limitations period for claims of procedural defects in the enactment of municipal legislation. (Rep. Harrington of Hillsborough Dist. 7; Rep. Cowenhoven of Hillsborough Dist. 9 - To Municipal and County Government)

HB 1061-FN, relative to retaining certain state-owned land overlooking Lake Winnisquam. (Rep. Dexter of Belknap Dist. 8 - To Public Works)

HB 1062-FN, extending the reporting date for the advisory committee on state economic development and local population growth. (Rep. Grodin of Cheshire Dist. 6; Sen. Freese of Dist. 4 - To Legislative Administration)

HB 1063-FN, to revive the charter of Kappa Sigma House, Inc. and Jackson Ski Touring Foundation, Inc., nonprofit organizations. (Rep. Arnesen of Grafton Dist. 7; Rep. LaMott of Grafton Dist. 5; Sen. McLane of Dist. 15 - To Constitutional and Statutory Revision)

HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system. (Rep. Richardson of Belknap Dist. 10; Rep. Cusson of Hillsborough Dist. 35; Rep. Fillion of Merrimack Dist.

15; Rep. P. Katsakiores of Rockingham Dist. 7; Rep. Schneiderat of Hillsborough Dist. 34 - To Executive Departments and Administration)

HB 1065-FN, placing a moratorium on a moose hunt. (Rep. Dearborn of Grafton Dist. 8 - To Fish and Game)

HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor. (Rep. Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 1067-FN, relative to the penalty for an aggravated DWI offense. (Rep. Lussier of Strafford Dist. 8; Rep. Domini of Sullivan Dist. 5; Rep. Gage of Hillsborough Dist. 6 - To Judiciary)

HB 1068-FN-A, relative to the Anna Philbrook Center and making an appropriation therefor. (Rep. Rehlander of Merrimack Dist. 8; Rep. E. Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 1069-FN-A, relative to affordable housing and making an appropriation therefor. (Rep. Chambers of Grafton Dist. 12; Rep. Densmore of Grafton Dist. 3; Rep. Reardon of Hillsborough Dist. 37 - To State Institutions and Housing)

HB 1070, relative to planning board review of site plans. (Rep. Harrington of Hillsborough Dist. 7 - To Municipal and County Government)

HB 1071-FN-A, relative to guards at the state prison and making an appropriation therefor. (Rep. Hawkins of Belknap Dist. 5 - To State Institutions and Housing)

HB 1072-FN-A, appropriating funds to the department of environmental services for a water supply study. (Rep. Blanchard of Rockingham Dist. 26; Rep. O'Rourke of Hillsborough Dist. 35; Rep. Sanderson of Rockingham Dist. 25; Rep. Dickinson of Carroll Dist. 2; Sen. Preston of Dist. 23; Sen. Krasker of Dist. 24; Sen. Torr of Dist. 21; Sen. Nelson of Dist. 13 - To Resources, Recreation and Development)

HB 1073-FN, relative to appeal tribunals in unemployment compensation. (Rep. Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 1074-FN, relative to prior service credit for the retirement system. (Rep. Matson of Cheshire Dist. 7; Sen. Blaisdell of Dist. 10; Sen. Preston of Dist. 23 - To Executive Departments and Administration)

HB 1075-FN, relative to the use of thrill craft on the lakes and ponds of the state. (Rep. Maviglio of Belknap Dist. 1; Rep. Blair of Grafton Dist. 8 - To Transportation)

HB 1076-FN, relative to public accommodation of physically handicapped persons. (Rep. Pappas of Hillsborough Dist. 37; Rep. Korcoulis of Hillsborough Dist. 38; Rep. Chambers of Grafton Dist. 12; Rep. West of Merrimack Dist. 21; Sen. Preston of Dist. 23; Sen. St. Jean of Dist. 20; Sen. Stephen of Dist. 18 - To Health and Human Services)

HB 1077-FN, relative to the registration of aircraft. (Rep. Bates of Strafford Dist. 1 - To Transportation)

HB 1078-FN, relative to cosmetologists and pedicurists. (Rep. Chandler of Merrimack Dist. 21; Rep. Domaingue of Hillsborough Dist. 42 - To Executive Departments and Administration)

HB 1079-FN, relative to electing delegates to state party conventions. (Rep. Chandler of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

HB 1080-FN-A, relative to nongame species and making a continuing appropriation therefor. (Rep. Perham of Hillsborough Dist. 10; Sen. McLane of Dist. 15 - To Fish and Game)

HB 1081-FN, naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road. (Rep. Skinner of Rockingham Dist. 21; Rep. Mace of Rockingham Dist. 21; Rep. Scott of Rockingham Dist. 22 - To Public Works)

HB 1082-FN, relative to irradiated food. (Rep. Beaton of Merrimack Dist. 3 - To Environment and Agriculture)

HB 1083-FN, relative to unemployment compensation. (Rep. Blanchette of Rockingham Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 1084-FN, relative to relinquishment of parental rights. (Rep. Price of Hillsborough Dist. 28; Rep. Derosier of Hillsborough Dist. 26; Sen. Pressly of Dist. 12 - To Children, Youth and Elderly Affairs)

HB 1085-FN, requiring a national check on the records of child care license applicants. (Rep. Price of Hillsborough Dist. 28; Rep. Derosier of Hillsborough Dist. 26; Rep. Jacobson of Merrimack Dist. 2; Sen. Pressly of Dist. 12 - To Children, Youth and Elderly Affairs)

HB 1086-FN, relative to complaints of domestic violence. (Rep. Price of Hillsborough Dist. 28; Rep. Derosier of Hillsborough Dist. 26; Rep. Jacobson of Merrimack Dist. 2; Sen. Pressly of Dist. 12 - To Judiciary)

HB 1087-FN, establishing a study committee to examine ethics in government involving public officials and public employees. (Rep. Koromilas of Strafford Dist. 6; Rep. King of Grafton Dist. 6; Rep. Shriver of Hillsborough Dist. 11; Rep. Dexter of Belknap Dist. 8; Rep. Read of Rockingham Dist. 28 - To Legislative Administration)

HB 1088-FN-A, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor. (Rep. Wallner of Merrimack Dist. 18; Rep. Chambers of Grafton Dist. 12; Rep. O'Rourke of Hillsborough Dist. 35; Rep. Densmore of Grafton Dist. 3; Sen. Nelson of Dist. 13; Sen. McLane of Dist. 15 - To Children, Youth and Elderly Affairs)

HB 1089-FN, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices. (Rep. Oleson of Coos Dist. 7 - To Resources, Recreation and Development)

HB 1090-FN, relative to drugging animals in livestock events. (Rep. Millard of Merrimack Dist. 4; Rep. Campbell of Rockingham Dist. 20; Rep. Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 1091-FN, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field. (Rep. Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 1092-FN, amending the 10-year highway plan. (Rep. Pearson of Belknap Dist. 5; Rep. Chandler of Merrimack Dist. 21; Rep. Driscoll of Grafton Dist. 8; Sen. Blaisdell of Dist. 10; Sen. Torr of Dist. 21 - To Public Works)

HB 1093-FN, relative to reporting requirements of corporations having securities registered in this state. (Rep. Buckley of Hillsborough Dist. 42 - To Commerce, Small Business and Consumer Affairs)

HB 1094-FN, relative to licensing plumbers. (Rep. Cusson of Hillsborough Dist. 35; Rep. LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 1095-FN, requiring gas fume detection alarm units in certain dwellings and health care facilities. (Rep. Nagel of Rockingham Dist. 20; Rep. Palumbo of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

HB 1096-FN, relative to the definition of a child in need of services. (Rep. Derosier of Hillsborough Dist. 26; Rep. Frank of Hillsborough Dist. 13; Rep. Knight of Merrimack Dist. 14; Rep. Price of Hillsborough Dist. 28; Rep. Tupper of Merrimack Dist. 6; Rep. Holmes of Merrimack Dist. 13; Sen. Bond of Dist. 1; Sen. Pressly of Dist. 12 - To Children, Youth and Elderly Affairs)

HB 1097-FN, relative to underground storage tanks. (Rep. Schwartz of Cheshire Dist. 13; Rep. Blanchard of Rockingham Dist. 26; Rep. Conroy of Rockingham Dist. 7; Rep. Holmes of Carroll Dist. 3; Rep. Spear of Strafford Dist. 2 - To Resources, Recreation and Development)

HB 1098-FN, establishing a committee to study surrogate parenting. (Rep. McGovern of Rockingham Dist. 27 - To Judiciary)

HB 1099-FN, making New Hampshire retirement system maximum benefit limitations comply with the Tax Reform Act of 1986. (Rep. Hammond of Grafton Dist. 11 - To Executive Departments and Administration)

HB 1100, relative to secret monitoring of certain telephone calls. (Rep. Cushing of Rockingham Dist. 14; Rep. Read of Rockingham Dist. 28 - To Labor, Industrial and Rehabilitative Services)

HB 1101-FN, relative to motor vehicle dealer plates. (Rep. Dexter of Belknap Dist. 8 - To Transportation)

HB 1102-FN, relative to the disposition of revenue received by the bureau of common carriers, department of transportation. (Rep. Gordon of Cheshire Dist. 5; Rep. Haynes of Rockingham Dist. 9 - To Transportation)

HB 1103-FN, relative to the disposal of real estate by state government. (Rep. Gordon of Cheshire Dist. 5; Rep. Haynes of Rockingham Dist. 9 - To State Institutions and Housing)

HB 1104-FN-A, relative to sewage treatment funds and making an appropriation therefor. (Rep. Chambers of Grafton Dist. 12; Rep. Matson of Cheshire Dist. 7; Rep. McCann of Strafford Dist. 7; Rep. O'Rourke of Hillsborough Dist. 35; Rep. Ramsay of Cheshire Dist. 10; Sen. Disnard of Dist. 8; Sen. St. Jean of Dist. 20 - To Resources, Recreation and Development)

HB 1105-FN, authorizing the city of Concord to finance a new facility for the Concord district court to be leased to the state. (Rep. Gross of Merrimack Dist. 16; Sen. McLane of Dist. 15 - To Public Works)

HB 1106-FN, establishing a committee to develop a program to license certain construction in public waters. (Rep. Beaton of Merrimack Dist. 3; Rep. Bardsley of Merrimack Dist. 1; Sen. Heath of Dist. 3 - To Resources, Recreation and Development)

HB 1107-FN-A, establishing a committee to implement recommendations on legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor. (Rep. McCain of Rockingham Dist. 11; - To Executive Departments and Administration)

HB 1108-FN, requiring probate court approval of surrogate parenting arrangements. (Rep. Jones of Hillsborough Dist. 20; Sen. McLane of Dist. 15 - To Judiciary)

HB 1109-A, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor. (Rep. Domini of Sullivan Dist. 5; Rep. Lindblade of Sullivan Dist. 5; Rep. Schotanus of Sullivan Dist. 1; Rep. Miller of Cheshire Dist. 1; Sen. Nelson of Dist. 13; Sen. Disnard of Dist. 8; Sen. White of Dist. 11; Sen. Bond of Dist. 1; Sen. Charbonneau of Dist. 14 - To Appropriations)

HB 1110-FN-A, relative to telephone and telegraph company taxes. (Rep. Rodeschin of Sullivan Dist. 2 - To Ways and Means)

HB 1111, establishing unpaid leaves of absence for new parents. (Rep. Reardon of Hillsborough Dist. 37; Rep. Wallner of Merrimack Dist. 18; Rep. Cushing of Rockingham Dist. 14; Rep. Arnesen of Grafton Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 1112-FN-A, relative to the Head Start program and making an appropriation therefor. (Rep. Densmore of Grafton Dist. 3; Rep. Wallner of Merrimack Dist. 18; Rep. Robinson of Hillsborough Dist. 12; Sen. McLane of Dist. 15; Sen. Nelson of Dist. 13; Sen. Disnard of Dist. 8; Sen. Podles of Dist. 16; Sen. Bond of Dist. 1 - To Children, Youth and Elderly Affairs)

HB 1113-FN, relative to taxing the sale of real estate owned by nonprofit organizations, and providing a right of first refusal for cities and towns in the sale of open space land. (Rep. Bass of Hillsborough Dist. 7 - To Ways and Means)

HB 1114-FN, relative to methane recovery and recycling of used motor oil. (Rep. Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HB 1115-FN-A, making a supplemental appropriation to the liquor commission. (Rep. Dickinson of Carroll Dist. 2; Rep. MacDonald of Carroll Dist. 6; Rep. Holmes of Carroll Dist. 3; Rep. Brungot of Coos Dist. 8; Rep. Nelson of Coos Dist. 8; Sen. Dupont of Dist. 6 - To Regulated Revenues)

HB 1116-FN, providing health insurance to low-income people. (Rep. Pappas of Hillsborough Dist. 37; Rep. Green of Hillsborough Dist. 36; Rep. Arnesen of Grafton Dist. 7; Rep. Copenhaver of Grafton Dist. 12; Sen. McLane of Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 1117-FN, granting subpoena power to legislative committee chairmen. (Rep. Arnesen of Grafton Dist. 7 - To Legislative Administration)

HB 1118-FN, relative to the maintenance of boat launching ramps and related parking areas. (Rep. Fillion of Merrimack Dist. 15; Rep. Boucher of Rockingham Dist. 23 - To Transportation)

HB 1119, relative to watercraft restrictions on Squam and Little Squam Lakes in the towns of Holderness, Ashland, Center Harbor, Sandwich, and Moultonborough. (Rep. Schofield of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 1120-FN, relative to a permanent bonus program for veterans who are residents of New Hampshire. (Rep. Weddle of Rockingham Dist. 24; Rep. Matson of Cheshire Dist. 7 - To Public Protection and Veterans Affairs)

HB 1121-FN-A, appropriating funds for construction of the North Swanzy sewer interceptor. (Rep. Matson of Cheshire Dist. 7; Rep. Parker of Cheshire Dist. 11; Rep. Ramsay of Cheshire Dist. 10; Sen. Blaisdell of Dist. 10 - To Appropriations)

HB 1122-FN-A, authorizing the hiring of school administrative unit field services consultants and making an appropriation therefor. (Rep. Boucher of Rockingham Dist. 23; Sen. Dismard of Dist. 8; Sen. Bond of Dist. 1; Sen. Johnson of Dist. 17 - To Education)

HB 1123-FN, relative to senior justices and to the sentence review division. (Rep. Sytek of Rockingham Dist. 20 - To Judiciary)

HB 1124-FN, relative to credit card purchase signature slips. (Rep. Warburton of Rockingham Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 1125-FN, relative to a committee to review requests for limits of speed and horsepower on the public waters of the state. (Rep. Maviglio of Belknap Dist. 1; Rep. Schofield of Carroll Dist. 4; Rep. Lewis of Merrimack Dist. 5; Rep. Dingle of Strafford Dist. 4; Rep. Blair of Grafton Dist. 8 - To Transportation)

HB 1126-FN, relative to the moose management program. (Rep. Rehlander of Merrimack Dist. 8; Rep. Tupper of Merrimack Dist. 6; Rep. Derosier of Hillsborough Dist. 26; Rep. Price of Hillsborough Dist. 28; Rep. McGovern of Rockingham Dist. 27 - To Fish and Game)

HB 1127-FN, authorizing an independent review of the construction of the Seabrook nuclear reactor Unit 1. (Rep. Read of Rockingham Dist. 28 - To Science, Technology and Energy)

HB 1128, establishing child support guidelines. (Rep. Arnold of Hillsborough Dist. 33; Rep. King of Grafton Dist. 6; Rep. Vartanian of Rockingham Dist. 20; Sen. Roberge of Dist. 9 - To Children, Youth and Elderly Affairs)

HB 1129, relative to obtaining supplemental appropriations. (Rep. Kidder of Merrimack Dist. 2 - To Appropriations)

HB 1130-FN, relative to the cost to counties for performing autopsies. (Rep. Burns of Coos Dist. 5; Rep. Oleson of Coos Dist. 7; Rep. Nelson of Coos Dist. 8; Rep. Kilbride of Coos Dist. 8; Rep. Lemire of Coos Dist. 8; Rep. Purrington of Coos 1; Rep. Brungot of Coos Dist. 8 - To Municipal and County Government)

HB 1131-FN, prohibiting the involuntary release from employment of a member of the legislature for attending a legislative session. (Rep. Pierce of Cheshire Dist. 17 - To Legislative Administration)

HB 1132-FN, establishing a task force to study creation of a housing appeals board in the department of employment security. (Rep. Weddle of Rockingham Dist. 24; Rep. McGovern of Rockingham Dist. 27 - To State Institutions and Housing)

HB 1133-FN, relative to home rule and municipal charters. (Rep. Grodin of Cheshire Dist. 6; Rep. West of Merrimack Dist. 21; Rep. Jacobson of Hillsborough Dist. 26; Sen. Hounsell of Dist. 2; Sen. Nelson of Dist. 13 - To Municipal and County Government)

HB 1134-FN, relative to walking disability motor vehicle plates, cards, and parking privileges. (Rep. Boucher of Rockingham Dist. 23; Rep. Katsakiores of Rockingham Dist. 7; Sen. Johnson of Dist. 17; Sen. Preston of Dist. 23 - To Transportation)

HB 1135-FN, relative to property owners' associations. (Rep. Holmes of Carroll Dist. 3 - To State Institutions and Housing)

HB 1136-FN, relative to the wage benefit and medical benefits under the workers' compensation law. (Rep. Grip of Hillsborough Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 1137-FN, relative to the reports required by and the setting of tax rates for municipalities, counties, and school districts. (Rep. Harrington of Hillsborough Dist. 7; Rep. Cowenhoven of Hillsborough Dist. 9; Rep. West of Merrimack Dist. 21; Sen. Pressly of Dist. 12 - To Municipal and County Government)

HB 1138-FN, relative to the powers of the board of education of the union school district of Keene. (Rep. Arnott of Cheshire Dist. 14 - To Education)

HB 1139, relative to surrogate parenting agreements. (Rep. Price of Hillsborough Dist. 28; Rep. Derosier of Hillsborough Dist. 26 - To Judiciary)

HB 1140-FN, relative to lock boxes at hazardous material storage facilities. (Rep. Price of Hillsborough Dist. 28; Rep. Buckley of Hillsborough Dist. 42; Rep. Derosier of Hillsborough Dist. 26; Rep. Pearson of Belknap Dist. 5; Sen. Nelson of Dist. 13; Sen. Pressly of Dist. 12 - To Environment and Agriculture)

HB 1141-FN, relative to transportation of hazardous waste. (Rep. Price of Hillsborough Dist. 28; Rep. Buckley of Hillsborough Dist. 42; Rep. Derosier of Hillsborough Dist. 26; Rep. Pearson of Belknap Dist. 5; Sen. Nelson of Dist. 13; Sen. Pressly of Dist. 12 - To Environment and Agriculture)

HB 1142-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. (Rep. Bourque of Hillsborough Dist. 35; Rep. Arnold of Hillsborough Dist. 33; Rep. Domaingue of Hillsborough Dist. 42; Rep. LaMott of Grafton Dist. 5; Rep. O'Rourke of Hillsborough Dist. 35; Sen. St. Jean of Dist. 20; Sen. Stephen of Dist. 18 - To Municipal and County Government)

HB 1143-FN-A, relative to disposal of certain waste material and making an appropriation therefor. (Rep. Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 1144-FN, relative to civil penalties for violations by public utilities. (Rep. Schwartz of Cheshire Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 1145, establishing a committee to study voting uniformity. (Rep. McGovern of Rockingham Dist. 27; Rep. Arnesen of Grafton Dist. 7; Rep. Gage of Rockingham Dist. 13; Rep. Green of Hillsborough Dist. 36; Rep. Zis of Hillsborough Dist. 28; Sen. Krasker of Dist. 24; Sen. Roberge of Dist. 9 - To Constitutional and Statutory Revision)

HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer. (Rep. Steiner of Hillsborough Dist. 33 - To Judiciary)

HB 1147-FN, prohibiting persons who have been convicted of child pornography, felonious physical assault on a minor, or any sexual assault, from engaging in activities relating to the care of children. (Rep. Pierce of Cheshire Dist. 17; Rep. Ritzo of Rockingham Dist. 18; Rep. Palumbo of Rockingham Dist. 10; Rep. Buckley of Hillsborough Dist. 42; Rep. Ingram of Sullivan Dist. 4; Rep. Matson of Cheshire Dist. 7; Sen. Podles of Dist. 16; Sen. Disnard of Dist. 8; Sen. Hounsell of Dist. 2; Sen. Chandler of Dist. 7; Sen. Preston of Dist. 23 - To Children, Youth and Elderly Affairs)

HB 1148-FN-A, establishing a legislative insurance advisory commission, an insurance research analyst position, and making an appropriation therefor. (Rep. Bass of Hillsborough Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1149-FN, establishing a committee to study issues and consumer rights regarding selection of attorneys for mortgage title searches. (Rep. Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1150-FN, permitting the attorney general to hire part-time attorneys general. (Rep. Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 1151, relative to licensing pharmacists. (Rep. Stio of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 1152-FN, changing the name of the Laconia state school and training center. (Rep. Parker of Cheshire Dist. 11; - To State Institutions and Housing)

HB 1153-FN, relative to protecting personal privacy. (Rep. Kurk of Hillsborough Dist. 3; Rep. Chandler of Merrimack Dist. 21 - To Judiciary)

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation. (Rep. King of Grafton Dist. 6; Sen. Hounsell of Dist. 2 - To Municipal and County Government)

HB 1155-FN-A, relative to asbestos removal in the Hillsborough county courthouse and making an appropriation therefor. (Rep. Robinson of Hillsborough Dist. 12; Rep. Cowenhoven of Hillsborough Dist. 9; Sen. Podles of Dist. 16 - To Appropriations)

HB 1156-FN, relative to local emergency response plans to chemical emergencies. (Rep. Price of Hillsborough Dist. 28; Rep. Pearson of Belknap Dist. 5; Rep. Derosier of Hillsborough Dist. 26; Rep. Buckley of Hillsborough Dist. 42; Sen. Nelson of Dist. 13; Sen. Pressly of Dist. 12 - To Environment and Agriculture)

HB 1157, relative to alternative energy purchased power recovery. (Rep. Burns of Coos Dist. 5 - To Science, Technology and Energy)

HB 1158-FN, relative to extension of the authority of the division of water supply and pollution control relative to safe drinking water. (Rep. Holmes of Carroll Dist. 3 - To Resources, Recreation and Development)

HB 1159-FN, providing for the disposal of fly ash by towns in solid waste management districts. (Rep. Lachance of Strafford Dist. 3 - To Environment and Agriculture)

HB 1160-FN-A, relative to screening for the AIDS virus and to conducting a survey for the AIDS virus and making an appropriation therefor. (Rep. Parr of Rockingham Dist. 17; Rep. Ingram of Sullivan Dist. 4; Rep. Parks of Strafford Dist. 6 - To Health and Human Services)

HB 1161, relative to health insurance for members of the general court. (Rep. Parr of Rockingham Dist. 17; Rep. Whitcomb of Grafton Dist. 1; Rep. Arnesen of Grafton Dist. 7; Rep. Parker of Cheshire Dist. 11; Rep. Doucette of Cheshire Dist. 17 - To Legislative Administration)

HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor. (Rep. Copenhaver of Grafton Dist. 12; Rep. Bates of Strafford Dist. 1; Rep. Butler of Rockingham Dist. 11; Rep. Chambers of Grafton Dist. 12; Rep. Palumbo of Rockingham Dist. 10; Rep. Burns of Coos Dist. 5; Sen. Dupont of Dist. 6; Sen. Preston of Dist. 23; Sen. Torr of Dist. 21; Sen. Krasker of Dist. 24 - To Health and Human Services)

HB 1163-FN-A, relative to nursing home care costs paid by counties. (Rep. Jones of Strafford Dist. 6; Rep. Torr of Strafford Dist. 6; Rep. Densmore of Grafton Dist. 3; Rep. Ramsay of Cheshire Dist. 10; Rep. Weymouth of Grafton Dist. 2; Sen. Disnard of Dist. 8 - To Health and Human Services)

HB 1164-FN-A, reducing the rate of the business profits tax. (Rep. Palumbo of Rockingham Dist. 10; Rep. Phelps of Merrimack Dist. 1; Rep. Pierce of Cheshire Dist. 17; Rep. Rodeschin of Sullivan Dist. 2 - To Ways and Means)

HB 1165-FN-A, relative to a voluntary AIDS testing and AIDS-negative identification card program and making an appropriation therefor. (Rep. Kurk of Hillsborough Dist. 3 - To Health and Human Services)

HB 1166, relative to smoking in the workplace. (Rep. Bass of Hillsborough Dist. 7; Rep. Lindblade of Sullivan Dist. 5 - To Health and Human Services)

HB 1167-FN, relative to elderly property tax credits. (Rep. Perry of Cheshire Dist. 10; Rep. Mann of Grafton Dist. 5; Rep. Normandin of Sullivan Dist. 8; Sen. Pressly of Dist. 12; Sen. Charbonneau of Dist. 14; Sen. Johnson of Dist. 17 - To Municipal and County Government)

HB 1168-FN, relative to voter registration and the United States Postal Service. (Rep. Crystal of Grafton Dist. 12; Rep. Chambers of Grafton Dist. 12 - To Constitutional and Statutory Revision)

HB 1169-FN-A, relative to the AIDS virus and making an appropriation therefor. (Rep. Weddle of Rockingham Dist. 24; Rep. McGovern of Rockingham Dist. 27 - To Health and Human Services)

HB 1170, prohibiting a city or town from enacting a zoning ordinance contrary to Federal Communications Commission Public Notice PRB-1 relative to amateur radio antennas. (Rep. Knight of Merrimack Dist. 14; Rep. Ware of Hillsborough Dist. 18 - To Municipal and County Government)

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee. (Rep. Powers of Carroll Dist. 5; Rep. Saunders of Carroll Dist. 5; Sen. Heath of Dist. 3 - To Transportation)

HB 1172-FN, creating an eviction protection act. (Rep. Weddle of Rockingham Dist. 24; Rep. McGovern of Rockingham Dist. 27 - To State Institutions and Housing)

HB 1173-FN, establishing a study committee on current use and open space. (Rep. Jacobson of Merrimack Dist. 2 - To Environment and Agriculture)

HB 1174, relative to the time for levying the land use change tax. (Rep. Hess of Merrimack Dist. 9 - To Environment and Agriculture)

HB 1175-FN, relative to an elderly property tax limitation. (Rep. Dexter of Belknap Dist. 8 - To Municipal and County Government)

HB 1176-FN, establishing minimum mandatory fines for persons who violate certain liquor laws concerning minors. (Rep. Lussier of Strafford Dist. 8; Rep. Gage of Hillsborough Dist. 6; Rep. Domini of Sullivan Dist. 5; Rep. MacDonald of Carroll Dist. 6 - To Regulated Revenues)

HB 1177-FN, enabling cities and towns to increase the veterans' exemption. (Rep. Matson of Cheshire Dist. 7 - To Municipal and County Government)

HB 1178, relative to counting absentee ballots before the polls close. (Rep. Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 1179, prohibiting a city or town from enacting a zoning ordinance contrary to 47 CFR 25.104 relative to telecommunication devices. (Rep. Knight of Merrimack Dist. 14 - To Municipal and County Government)

HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor. (Rep. Densmore of Grafton Dist. 3; Rep. Ramsay of Cheshire Dist. 10; Rep. Rehlander of Merrimack Dist. 8; Rep. Green of Hillsborough Dist. 36; Sen. St. Jean of Dist. 20; Sen. Delahunty of Dist. 22 - To Health and Human Services)

HB 1181, relative to testing for the acquired immune deficiency syndrome. (Rep. Price of Hillsborough Dist. 28; Rep. Derosier of Hillsborough Dist. 26 - To Commerce, Small Business and Consumer Affairs)

HB 1182-FN, establishing an office of rate-setting for children's services. (Rep. Wallner of Merrimack Dist. 18; Rep. Bean of Grafton Dist. 13; Sen. Podles of Dist. 16 - To Children, Youth and Elderly Affairs)

HB 1183-FN-A, increasing the amount of the contribution to municipalities from the general fund by 20 percent for fiscal year 1989, and making an appropriation therefor. (Rep. Jacobson of Merrimack Dist. 2 - To Ways and Means)

HB 1184-FN, relative to the regulation of mining. (Rep. Bardsley of Merrimack Dist. 1; Rep. Sherburne of Rockingham Dist. 2; Rep. Hoar of Rockingham Dist. 6; Sen. Johnson of Dist. 17 - To Environment and Agriculture)

HB 1185-FN-A, establishing a bureau of worker safety and health education and making an appropriation therefor. (Rep. O'Rourke of Hillsborough Dist. 35; Rep. Buckley of Hillsborough Dist. 42; Rep. LaMott of Grafton Dist. 5; Rep. Reidy of Hillsborough Dist. 45 - To Executive Departments and Administration)

HB 1186, relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards, development restrictions, and classes of streets. (Rep. King of Grafton Dist. 6 - To State Institutions and Housing)

HB 1187-FN, relative to discounted utility rates. (Rep. Chambers of Grafton Dist. 12; Rep. Schwartz of Cheshire Dist. 13 - To Science, Technology and Energy)

HB 1188-FN, establishing age limits for the operation of OHRVs. (Rep. Wilson of Strafford Dist. 4; Rep. Pappas of Hillsborough Dist. 37 - To Fish and Game)

HB 1189-FN, relative to roadside litter removal. (Rep. Millard of Merrimack Dist. 4; Sen. Torr of Dist. 21 - To Ways and Means)

HB 1190, relative to the Belknap county attorney. (Rep. Richardson of Belknap Dist. 10; Rep. Hawkins of Belknap Dist. 5; Rep. Thurston of Belknap Dist. 9; Rep. Hardy of Belknap Dist. 4; Sen. Freese of Dist. 4 - To Municipal and County Government)

HB 1191-FN, enabling municipalities to impose capital improvement impact fees. (Rep. Chambers of Grafton Dist. 12; Rep. McCann of Strafford Dist. 7; Rep. Normandin of Sullivan Dist. 8; Sen. Disnard of Dist. 8 - To State Institutions and Housing)

HB 1192-FN, establishing a task force to study long term care insurance for the elderly. (Rep. Derosier of Hillsborough Dist. 26; Rep. Townsend of Sullivan Dist. 1; Rep. Fraser of Merrimack Dist. 6; Rep. Sochalski of Rockingham Dist. 23; Rep. Price of Hillsborough Dist. 28; Rep. Frank of Hillsborough Dist. 13; Rep. Densmore of Grafton Dist. 3; Rep. Price of Hillsborough Dist. 28; Sen. Freese of Dist. 4; Sen. Nelson of Dist. 13; Sen. Pressly of Dist. 12; Sen. St. Jean of Dist. 20; Sen. Krasker of Dist. 24 - To Commerce, Small Business and Consumer Affairs)

HB 1193-FN, relative to chiropractic. (Rep. McCain of Rockingham Dist. 11; Rep. Parr of Rockingham Dist. 17; Rep. Cusson of Hillsborough Dist. 35; Rep. Gage of Rockingham Dist. 20; Rep. Pierce of Cheshire Dist. 17; Sen. Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 1194, relative to the emergency treatment of step-children. (Rep. Pantelakos of Rockingham Dist. 24 - To Children, Youth and Elderly Affairs)

HB 1195-FN, relative to the board of chiropractic examiners. (Rep. Palumbo of Rockingham Dist. 10; Rep. Chambers of Grafton Dist. 12; Rep. Clark of Cheshire Dist. 3; Rep. Bates of Strafford Dist. 1; Rep. Copenhaver of Grafton Dist. 12; Sen. Charbonneau of Dist. 14; Sen. Podles of Dist. 16; Sen. Preston of Dist. 23; Sen. Freese of Dist. 4; Sen. Nelson of Dist. 13 - To Executive Departments and Administration)

HB 1196-FN-A, relative to the acquisition of Warren Pond dam and water rights and making an appropriation therefor. (Rep. Young of Cheshire Dist. 1 - To Resources, Recreation and Development)

HB 1197-FN, relative to a referendum question on nuclear electric generating facilities. (Rep. Sherburne of Rockingham Dist. 2; Rep. Millard of Merrimack Dist. 4 - To Constitutional and Statutory Revision)

HB 1198, relative to work programs for individuals in need of municipal assistance. (Rep. Young of Cheshire Dist. 1 - To Health and Human Services)

HB 1199-FN, relative to unemployment compensation. (Rep. Nichols of Merrimack Dist. 2 - To Labor, Industrial and Rehabilitative Services)

HB 1200, relative to apportionment of damages. (Rep. Bass of Hillsborough Dist. 7 - To Judiciary)

HB 1201, authorizing school districts to teach New Hampshire's cultural heritage and ethnic history in school. (Rep. Gage of Rockingham Dist. 20 - To Education)

CACR 23, relating to compensation of the legislature. Providing that legislators shall be compensated at the rate of \$30 for each legislative day attended. (Rep. Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

CACR 25, relating to compensation of the legislature. Providing that the provision of the constitution relative to compensation of the legislature be repealed. (Rep. Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

CACR 26, relating to line item veto power. Providing that the governor may approve appropriation bills in whole or in part. (Rep. Ingram of Sullivan Dist. 4; Rep. Domini of Sullivan Dist. 5; Rep. Peyron of Sullivan Dist. 2; Rep. Rodeschin of Sullivan Dist. 2; Sen. Charbonneau of Dist. 14; Sen. White of Dist. 11; Sen. Chandler of Dist. 7; Sen. Johnson of Dist. 17; Sen. Hounsell of Dist. 2 - To Constitutional and Statutory Revision)

CACR 27, relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition. (Rep. Weddle of Rockingham Dist. 24; Rep. Knight of Merrimack Dist. 14 - To Constitutional and Statutory Revision)

CACR 28, relative to the age requirement for senators and councilors. Providing that no person shall be elected a senator or councilor who is not of the age of 25 years. (Rep. Cushing of Rockingham Dist. 14 - To Constitutional and Statutory Revision)

HCER 11, concerning the budget of the United States. (Rep. Riley of Cheshire Dist. 5; Rep. Harrington of Hillsborough Dist. 7; Rep. Eaton of Hillsborough Dist. 1; Rep. Palumbo of Rockingham Dist. 10; Rep. Chambers of Grafton Dist. 12 - To State-Federal Relations)

HCER 12, urging the United States Congress to refrain from requiring the employment of parents in households receiving aid to families with dependent children until their children reach the age of 5 years. (Rep.

Pappas of Hillsborough Dist. 37; Rep. Green of Hillsborough Dist. 36; Rep. Copenhaver of Grafton Dist. 12; Rep. Ramsay of Cheshire Dist. 10; Sen. Kraker of Dist. 24; Sen. Blaisdell of Dist. 10 - To State-Federal Relations)

HCR 13, urging the United States Congress to pass legislation adjusting the shelter deduction permitted under the food stamp program to reflect local shelter costs in the communities served by the program. (Rep. Gross of Merrimack Dist. 16 - To State-Federal Relations)

HR 52, relative to kindergarten. (Rep. Domaingue of Hillsborough Dist. 42; Rep. Kelly of Hillsborough Dist. 6 - To Education)

HR 53, relative to use of recycled material by state and local government agencies. (Rep. Malcolm of Rockingham Dist. 17; Rep. Warburton of Rockingham Dist. 6; Rep. Lewis of Merrimack Dist. 5; Rep. Holmes of Carroll Dist. 3; Rep. McCain of Rockingham Dist. 11 - To Environment and Agriculture)

HR 54, relative to the displacement of low and moderate income persons. (Rep. Weddle of Rockingham Dist. 24 - To Commerce, Small Business and Consumer Affairs)

HJR 4, relative to New Hampshire's commitment to equality. (Rep. Cushing of Rockingham Dist. 14 - To Legislative Administration)

HBI 2016, relating to use of breath alcohol analysis ignition interlock devices. (Rep. Malcolm of Rockingham Dist. 17; Rep. McCain of Rockingham Dist. 11; Rep. Warburton of Rockingham Dist. 6 - To Judiciary)

HBI 2017, requiring licensure of persons performing construction or repair work on state roads and highways. (Rep. Lefebvre of Hillsborough Dist. 29; Rep. Gagnon of Hillsborough Dist. 29 - To Executive Departments and Administration)

HBI 2018, relating to procedures for disposal of used motor fuel and fuel oil tanks. (Rep. Smith of Hillsborough Dist. 21 - To Resources, Recreation and Development)

HBI 2019, relating to the transportation of school children. (Rep. Gage of Rockingham Dist. 13 - To Education)

HBI 2020, relating to mandatory motor vehicle insurance. (Rep. Hollingworth of Rockingham Dist. 17; Rep. Wells of Rockingham Dist. 5; Rep. Johnson of Merrimack Dist. 5 - To Commerce, Small Business and Consumer Affairs)

Reps. Palumbo and Chambers offered the following:

HOUSE RESOLUTION NO. 55

relative to House Rules.

Resolved, that the biennium House Rules, as recodified, be adopted and that the following specified rules, as recodified, be amended to read as follows:

14. [formerly House Rule 15] While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House [and]. While a member is speaking, no one shall pass between him and the [Chair] *members of the House*, nor shall anyone entertain private [discourse] *conversation* [, nor shall any member leave his seat while the voting machine is in use].

16. [formerly House Rule 16]

[(a)] No member shall vote in any case when he was not present when the question was put [nor sit upon any committee when he is directly or indirectly interested in the question under consideration]. No member may vote on any question in which he [or she] is interested, whether directly or indirectly, to a degree that may significantly impair

the independent and impartial exercise of that member's judgment as a legislator. If a member takes this rule for purposes of voting, he shall inform the Clerk, who shall inform the House. [In case of such interest of a member of a committee, the fact shall be reported to the House, and another person may be substituted on that question in his place.]

(b) Prior to the end of the first month of a regular session, each member shall inform the House Clerk in writing of his principal source of income, and this information shall be a public record.]

24. [formerly House Rule 28]

(a) No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and while the bill or resolution is in the possession of the House.

(b) Notice of a motion for reconsideration shall be in order only when given to the House in open session prior to adjournment:

(1) on the same day on which the vote was passed;

[or]

(2) on the next day when the House will be in session within one-half hour after the convening of the early session [and].

(c) Any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void. *The first legislative day shall begin when (1) notice of reconsideration is given while the House is still in session during the same day that action was taken on the bill or resolution, or (2) when notice is given on the next legislative day within the first half hour after convening the early session.*

(d) Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

[(e)](e) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

29.(n) [formerly House Rule 32(n)] It shall be the duty of the Committee on Public Protection and Veterans Affairs to consider all matters affecting public protection including, but not limited to, law enforcement and the training of law enforcement officers; fire safety; [civil defense] *emergency management*[,] and all matters pertaining to the National Guard and other military or veterans' organizations existing within the state; and such other matters as may be referred to it.

43.(a) [formerly the first sentence of House Rule 43] A hearing shall be held on each bill referred to a committee[, and]. Notice of [such] *the* hearing shall be advertised in the House Calendar no less than [five] *four* days prior to a hearing.

49. [formerly House Rule 41.(b) and (c)]

[(b)] Chairmen of a Committee of Conference shall give notice of time and place of meeting one day in advance of such meeting to the House Clerk's Office so that said meeting can be posted.]

(a) Committee of Conference reports shall be distributed to be acted [upon] *on on* some subsequent day.

[(c)] (b) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either house. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

(c) A Committee of Conference report analysis prepared by the first-named House member shall be printed in the House Calendar.

55.(a) [formerly House Rule 52.(a)] The order of business in the early session shall be as follows:

1. Prayer by the Chaplain, pledge of allegiance and leaves of absence if received before the start of the legislative day;
2. *Introduction of Guests*;
- [2.] 3. Petitions of members and personal privilege;
- [3.] 4. Consideration of unfinished business;
- [4.] 5. Introduction, first and second reading and referral of bills;
- [5.] 6. Messages from the Senate, the Governor and the Secretary of State;
- [6.] 7. Consideration of consent Calendar items;
- [7.] 8. Reports from standing and select committees;
- [8.] 9. Resolutions, motions and notices;
- [9.] 10. Adjournment from the early session.

66. [Formerly the second and third paragraphs of House Rule 15] No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in his possession any [firearm] *deadly weapon as defined in RSA 625:11, V* while he is in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule [56] 60 has the right to stop and search a member of the House on the premises of the House.

67.(b) [Incorporates information in former House Rule 36 and adds new information relating to the second-year session]

Legislative action in the second-year session shall be subject to the following deadlines:

- (1) May 5, 1987. First day to file drafting requests for all bills, joint and concurrent resolutions.
- (2) October 1, 1987. Last day to file drafting requests with complete information for bills, joint and concurrent resolutions.
- (3) November 19, 1987. Sign-off all bills, joint and concurrent resolutions.
- (4) November 19, 1987. Policy committees report all first-year bills which were re-referred.
- (5) January 21, 1988. Policy committees report all money bills.
- (6) February 11, 1988. Policy committees report all non-money bills.
- (7) February 18, 1988. House action on all bills. (Crossover Day).
- (8) March 24, 1988. Policy committees report all Senate money bills.
- (9) March 31, 1988. Policy committees report all Senate non-money bills.
- (10) April 5, 1988. Committee on Appropriations reports all Senate money bills.
- (11) April 14, 1988. House action on all Senate bills.

(12) April 21, 1988. House action on all Committee of Conference Reports.

(13) April 25, 1988. All bills submitted to the Governor for signature.

Rep. Burns explained the resolution.
Adopted.

Reps. Palumbo and Chambers offered the following:

HOUSE CONCURRENT RESOLUTION NO. 14

relative to Joint Rules.

RESOLVED, that the following specified biennium Joint Rules be amended to read as follows:

10(a) In the originating body:

Both bodies shall take final action on all bills and joint resolutions no later than the third Thursday of February in 1988 (February 18).

10(b) In the non-originating body:

Both bodies shall take final action on all bills and joint resolutions no later than the second Thursday of April in 1988 (April 14).

Legislation returned with an amendment from the non-originating body shall not be re-referred to Committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and request a Committee of Conference.

10(c) Both bodies shall take final action on all Committee of Conference reports and enrolled bills reports no later than the third Thursday of April in 1988 (April 21).

The reports of the Committee of Conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

10(d) All bills shall be submitted to the Governor for his signature no later than the fourth Monday of April in 1988 (April 25).

The so-called Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

A supplemental budget for the second-year session must be introduced no later than the second Tuesday of January in 1988 (January 12).

12(b) Subsequent to any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of both Rules Committees, voting separately. Any such legislation approved by the Rules Committees of both bodies shall be exempt from the deadlines established by joint rules except that final action on any such bill, including action on any reports of committees of conference, shall be taken no later than the third Thursday of April in 1988 (April 21), and any such bill shall be sent to the Governor for his signature no later than the fourth Monday of April in 1988 (April 25).

Rep. Burns explained the resolution.
Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 340, establishing a child care facilities fund, was removed at the request of Rep. Cushing.

HB 494, relative to the rights of tenants to receive cable television, HB 521, amending the New Hampshire life and health insurance guaranty association act, and HB 219, establishing a shooting range in

the state and making an appropriation therefor, were removed at the request of Rep. Domaingue.

HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations, was removed at the request of Rep. Fesh.

HB 447, relative to the right to know law, was removed at the request of Rep. Sytek.

HB 625, changing the method of valuation for pleasure boats for the boat permit fee, was removed at the request of Rep. Thurston.

HB 369, relative to the rate of the business profits tax, and HB 669, reducing the rate of the business profits tax, were removed at the request of Rep. Jean.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 375-FN-A, establishing incentives for day care centers. Refer for Interim Study.

House Bill 375 proposed a tax credit incentive for employers who provide child care for employees; also included is a revolving loan program and a grant program for the start-up of new child care programs. The Committee feels there are many merits to the bill, but further study of the subject matter is needed. In the Spring, there will be a conference for employers to gather information about child care options. The Committee hopes, from the conference, it can receive input on incentives. Vote 11-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

HB 527-FN, relative to prompt payments by the state. Inexpedient to Legislate.

The Committee strongly supports the intent of this bill, but since the hearing the State has vastly improved its payment process making this bill unnecessary. Vote 13-0. Rep. Raymond C. Buckley for Commerce, Small Business and Consumer Affairs.

HB 553-FN, providing health insurance to the indigent. Inexpedient to Legislate.

The content of this bill was covered in a bill passed by the Senate in the 1987 Session, and signed by the Governor; so this bill is no longer needed. Vote 13-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

HB 581-FN, establishing minimum energy efficiency standards for appliances sold in the state. Inexpedient to Legislate.

This bill has been properly addressed on the national level. Vote 13-0. Rep. Raymond C. Buckley for Commerce, Small Business and Consumer Affairs.

HB 615-FN, creating a civil cause of action for unfair insurance trade practices. Ought to Pass with Amendment.

House Bill 615 was amended to reduce the number of days in which the Insurance Commissioner has to act on a complaint from 120 days to 60 days. It further defines "complaint," requires the Commissioner to issue a finding on each one and causes a record to be kept regarding them. It also removes the right of a judge to set attorneys' fees. Vote 15-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to complaints of insurance unfair
trade practices.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition of Complaint. Amend RSA 417:18 by inserting after paragraph I the following new paragraph:

I-a. "Complaint" means any written communication primarily expressing a grievance.

2 Disposition of Complaints; Insurance Unfair Trade Practices Law. RSA 417:19, II is repealed and reenacted to read as follows:

II. The commissioner shall issue a written finding on any complaint made against a supplier under this chapter, within 60 days from the date of the receipt of the complaint. Any finding by the commissioner that an alleged act or practice is not in violation of this chapter may be appealed in accordance with RSA 541. If upon appeal the decision of the commissioner is not upheld, the petitioner may proceed under RSA 417:19, I. The commissioner shall maintain a complete record of all complaints alleging violations under this chapter. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, the time it took to process each complaint, and such other information the commissioner may require.

3 Court Inquiry Into Reasonableness of Attorney's Fee's Deleted; Insurance Unfair Trade Practices Actions. Amend RSA 417:20, III to read as follows:

III. Whenever a consumer shall prevail in an action brought under RSA 417:19, I, he shall be allowed to recover, in addition to damages, the cost of the suit, including reasonable attorneys' fees. [Upon the termination of all suits under this section, the court shall inquire into the reasonableness of attorneys' fees charged to the claimants and revise such fees where necessary to make them reasonable.]

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, requires the insurance commissioner to issue a written finding within 60 days of receiving a written complaint alleging an unfair trade practice and to keep detailed records on each complaint received. This bill deletes a provision which allows the court to examine the reasonableness of attorneys' fees charged to claimants in unfair insurance trade practices actions.

HB 715, relative to automobile depreciation for purposes of establishing insurance coverage fee rates. Inexpedient to Legislate. The Committee feels that this bill does not equitably solve the problem of depreciating car values. All testimony given at the public hearing was in opposition. Vote 13-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 2007, studying the disparity between insurance allowances and health care costs. Inexpedient to Legislate.

The matter of Medicare is more properly that of the Federal Government. Other Committees are also studying the whole issue of health care insurance costs. Vote 15-0. Rep. Sara. M. Townsend for Commerce, Small Business and Consumer Affairs.

HB 226, allowing the use of an historical weir for the taking of alewives. Inexpedient to Legislate.

The Committee held this bill in reserve as insurance for the passage of "the Weir bill." The Newmarket Weir bill did pass into law; therefore, there is no need for this bill. Vote 16-0. Rep. William P. Boucher for Fish and Game.

HB 267-FN, relative to a moose season. Inexpedient to Legislate. Since Fish and Game Department officials have agreed to propose a moose hunt from October 18 through October 20, 1988, the need for HB 267 no longer exists. Vote 16-0. Rep. Romeo J. Theriault for Fish and Game.

SB 132, relative to the appointment of the executive director of the department of fish and game. Inexpedient to Legislate. We, as a Committee, felt that this bill was included and/or discussed in detail with HB 242, as amended. Therefore, should be Inexpedient to Legislate. Vote 17-0. Rep. Douglas A. Corrigan for Fish and Game.

HB 411-FN, relative to DWI penalties and sentencing. Inexpedient to Legislate.

Since this bill was re-referred to the Judiciary Committee, the House has passed SB 219 which deals with the same subject matter as HB 411. Vote 11-0. Rep. C. William Johnson for Judiciary.

HB 478-FN, relative to court-ordered counseling. Inexpedient to Legislate.

The subject matter of this bill was covered in SB 219 in the 1987 Session. Any further action on this is unnecessary. Vote 11-0. Rep. Thomas U. Gage for Judiciary.

HB 510, relative to blood alcohol testing in the event of a motor vehicle fatality. Inexpedient to Legislate.

This bill was initiated to deal with a specific case. It was determined that two methods of blood alcohol testing are currently available. A constitutional problem exists in taking of blood samples from an unconscious person in that a person being charged in a felony case must give his consent for taking of blood samples and a search warrant is necessary. Vote 11-0. Rep. C. William Johnson for Judiciary.

HB 711-FN, relative to the probate courts. Inexpedient to Legislate.

The Committee voted 11-0 to recommend Inexpedient to Legislate on this bill because some of its provisions already have been enacted, and others deserve further consideration after experiencing the effect of legislation adopted last year to expand the marital masters system in the Superior Court. This bill would have transferred jurisdiction over domestic relations and family law from the Superior Court to the Probate Court - a major change not deemed advisable at this time. Rep. Francis E. Robinson for Judiciary.

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor. Ought to Pass with Amendment.

This act instructs the Commissioner of the Department of Transportation to participate in advance construction planning for design of a bridge in the City of Nashua over the Nashua River. Only Nashua funds will be used for this project. Vote 15-0. Rep. Chris Jacobson for Public Works.

Amendment

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Requiring Department of Transportation Participation.

I. The commissioner of the department of transportation, for the purpose of design for a bridge in the city of Nashua over the Nashua River, shall participate in advance construction planning of the project.

II. The cost of the planning participation authorized in paragraph I shall be taken from the city of Nashua's allocation of federal aid urban systems funds available to the state of New Hampshire during the program Life of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

III. Funds shall be available for the purpose of this act only after the acceptance of the project's environmental impact statement by the Federal Highway Administration and in accordance with applicable federal and state policies, rules and regulations and conditional upon the certification by the city of Nashua to the governor and council that the city's 25 percent share of the total funds required is available for the purpose of this project.

IV. The provisions of this act shall not be construed to restrict the allocation or application of other federal aid urban systems funds heretofore or which may be hereafter allocated to the city of Nashua.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of transportation to participate in the design of a bridge in Nashua over the Nashua River.

The funding for this project shall be made when funds are available under the Surface Transportation and Uniform Relocation Assistance Act of 1987 and from the city of Nashua's 25 percent contribution.

Referred to Appropriations.

HB 311-A, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor. Inexpedient to Legislate.

Inasmuch as this bill was added to a Senate Bill in the 1987 Session passage unnecessary. Vote 15-0. Rep. James C. Chamberlin for Public Works.

HB 313-A, relative to resurfacing of Route 3-A and reconstruction of sections of Route 3-A in the towns of Hudson, Litchfield, and the city of Manchester and making an appropriation therefor. Ought to Pass with Amendment.

The amendment directs the Department of Transportation to improve the intersection of Route 3-A and Pinecrest Road in the town of Litchfield. The intersection currently poses serious safety problems in an area of schools and residential neighborhoods. Vote 15-0. Rep. David J. Alukonis for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the widening, realignment, and improvement of the
Route 3-A and Pinecrest Road intersection in Litchfield.

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Appropriation; Department of Transportation.

I. The sum of \$850,000 is hereby appropriated for the widening, realignment and improvement of the Route 3-A and Pinecrest Road intersection in Litchfield.

II. This appropriation shall be nonlapsing and is in addition to any other appropriation made to the department for the biennium. This appropriation shall be reduced by the amount of any federal funds made available for this project.

2 Bonds. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$850,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payments. The payment of principal and interest on the \$850,000 of the bonds and notes issued for the project in section 1 of this act shall be made when due from the highway fund.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, makes a supplemental appropriation of \$850,000 to the department of transportation for the widening, realignment and improvement of the Route 3-A and Pinecrest Road intersection in Litchfield.

Referred to Appropriations.

HB 569-FN, relative to a long range capital improvement plan and integrated data system. Refer for Interim Study.

This bill deals with the complicated issues of setting up priorities, long-term projects and the funding procedures needed to carry out these projects. It needs to be studied and compared with current procedures and statutes. Vote 15-0. Rep. Sandra B. Keans for Public Works.

HB 637-FN, relative to base development at Mount Sunapee.
Inexpedient to Legislate.

The Committee thoroughly reviewed aspects of this legislation because of its potential application as a prototype for public-private partnerships in the field of recreational development. Additional in-depth study needs to be given to financial aspects of these proposals which could jeopardize the State's bonding authority, as well as possible restrictions on the Sunapee property which would preclude development of this type. Vote 14-0. Reps. MaryAnn N. Blanchard and Nancy C. Beaton for Resources, Recreation and Development.

HB 351-FN-A, establishing a special needs housing task force and making an appropriation therefor. Inexpedient to Legislate.

This bill called for a task force and an appropriation to review affordable housing. It was felt that there were already sufficient studies and information on this subject and that another task force is not needed at this time. Vote 13-0. Rep. Gordon B. Flint for State Institutions and Housing.

HB 358-FN-A, relative to a special needs housing loan fund and making an appropriation therefor. Inexpedient to Legislate. House Bill 358 calls for an appropriation provided to the Office of State Planning to encourage the development of low and moderate income housing in New Hampshire. While House Bill 358 has considerable merit, the Committee felt that housing problems should be left to the New Hampshire Housing and Finance Authority and it has considered legislation to that effect. Vote 12-0. Rep. Henry F. Whitcomb, Jr. for State Institutions and Housing.

HB 616-FN, limiting condominium conversions if vacancy rate is low. Inexpedient to Legislate.

This bill authorizes the governing body of a municipality to enact a delay on condominium conversions. The Subcommittee received substantial information from a representative of the Attorney General's Office, who expressed the flawed terms of this legislation. Vote 12-0. Rep. Rowland Schmidtchen for State Institutions and Housing.

HB 365-FN-A, relative to a motor vehicle excise tax system. Inexpedient to Legislate.

This bill proposed changing the method of determining motor vehicle registration fees to basing them on vehicle value and age rather than weight. The system would bring a great deal more money, but would in many cases appear to be creating a burden on car owner. Because a Subcommittee was unable to get information from the sponsor, the Committee has recommended the bill be eliminated. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

HB 452, relative to a provisional drivers' licensing program for persons under 18. Ought to Pass with Amendment.

This bill, as amended, will provide for closer monitoring of the driving habits of drivers under the age of 18 years. The purpose of this bill is to authorize the Director of Motor Vehicles to impose earlier license suspensions for younger drivers under the point system. Vote 13-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to demerit points for younger drivers.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court hereby finds that there is a need to more closely monitor the driving habits and driver's licenses of younger drivers. By far the greatest number of violent deaths among adolescents occurs on the highways. Research has shown that motor vehicle accidents account for 2/3 of the violent deaths involving adolescents. Fatal Accident Reporting System (FARS) data compiled by the National Highway Traffic Safety Administration in a recent survey indicate that deaths

involving teenagers account for more than 3/4 of all passenger occupant deaths. The purpose of this act is to authorize the director of motor vehicles to provide for closer monitoring of younger drivers by permitting earlier license suspensions for younger drivers under the point system.

2 New Paragraph; Points for Younger Drivers. Amend RSA 263:56 by inserting after paragraph IV the following new paragraph:

V. The director shall adopt rules as part of the point system required by paragraph II, establishing lesser point totals for suspension or revocation of driver's licenses of younger drivers including separate categories for drivers who are under the ages of 21 and 18, respectively.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, grants the director of motor vehicles rulemaking authority to set lesser point totals for suspension of driver's licenses of persons under the age of 21.

HB 585-FN, requiring emissions control inspections of motor vehicles. Ought to Pass with Amendment.

This bill was amended to provide for the establishment of a committee to make a study of air conditions in the various sections of the state and to determine what areas need emissions control testing. The Committee feels that this is necessary if we are going to have a law requiring a statewide program. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the title of the bill to read as follows:

AN ACT

establishing a committee to study motor vehicle emissions controls.

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicle Emissions; Study Committee Established. There is established a committee to determine the areas of the state in which emissions controls for gasoline-powered motor vehicles are immediately necessary or will be necessary in the near future. The committee shall be composed of the following:

I. The commissioner of safety or his designee, who shall serve as chair of the committee.

II. The director, division of air resources or his designee.

III. The commissioner of transportation or his designee.

IV. The director, division of public health services, or his designee.

V. A member of the house transportation committee, to be appointed by the speaker of the house.

VI. A member of the senate transportation committee, to be appointed by the president of the senate.

VII. A representative of the office of state planning, to be appointed by the governor.

2 Committee Report. The committee shall review areas of the state which are presently not in compliance with federal ambient air quality standards and areas which may not be in compliance with such standards in

the near future. The committee shall submit its findings and legislative recommendations to the president of the senate and the speaker of the house not later than December 1, 1988.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a study committee to review the problems different areas of the state are experiencing in attaining federal ambient air quality standards. The committee shall report its findings and legislative recommendations to the senate president and the speaker of the house by December 1, 1988.

COMMITTEE REPORTS (Regular Calendar)

HB 606-FN, relative to lock-up of children. Ought to Pass with Amendment.

This bill brings New Hampshire into compliance with Federal Law requiring appropriate treatment of minors who are guilty of no crime, but find themselves in the hands of law enforcement agencies. The bill prevents the lock-up of innocent children in jail cells and requires local law enforcement to provide for alternatives to secure detention. The Committee was unanimous in its support of this legislation. Vote 11-0. Rep. Monte D. Rehlander for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 169-B:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Adult lock-up or jail" means a locked facility, used primarily to house adults charged with or convicted of violating criminal law. This includes police lock-ups, county jails, and houses of correction, and any facility used by county sheriffs, state police, or local police to securely detain adult offenders and accused offenders.

Amend RSA 169-B:9-a, as inserted by section 2 of the bill by replacing it with the following:

169-B:9-a Use of Alternatives to Secure Detention. An officer may, release a minor to an alternative to secure detention, with court approval, pending the arrival of the parent, guardian, or custodian. The alternative program may release the minor to the parent, guardian, or custodian upon their arrival. Any court or police or probation officer, acting in good faith pursuant to this section, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of release to an alternative to secure detention.

Amend the bill by replacing section 3 with the following:

3 Addition of Alternative to Secure Detention. Amend RSA 169-B:11, III to read as follows:

III. If the court determines that continued detention is required, based upon the criteria specified under RSA 169-B:14, I[,](e)(2), it may order continued detention at a police station, jail, or an alternative to secure detention, or any facility certified for the detention of minors by the director of the division for children and

youth services; provided, that any minor so detained shall not be placed in a facility in which the minor can come into contact with an adult charged, convicted or committed for a criminal offense. *Every effort shall be made to prevent a delinquent offender or accused offender who is a minor from being held more than 6 hours in any police lock-up, jail, or any form of secure detention designed primarily to house adult offenders or accused offenders.*

Amend RSA 169-B:15-a as inserted by 5 of the bill to read as follows:

169-B:15-a Lock-up Log; Establishment and Contents. Each county jail, house of correction, police lock-up, and any facility used by law enforcement, county sheriffs, or state police to securely detain minors must establish a lock-up log for all minors securely detained. The log must contain the identification number, the charge, the date and time locked in secure detention, the date and time released from secure detention, to whom released, and reason for secure detention. The log shall be kept confidential both by the agency or facility which maintains it and by the division for children and youth services, which shall receive copies of the log, January 1 and June 1 of each year, beginning January 1, 1988.

Amend the bill by replacing section 9 with the following:

9 New Sections; Referral of Child in Need of Services to Alternative to Secure Detention; Detention in Adult Facilities Prohibited. Amend RSA 169-D by inserting after section 9 the following new sections:

169-D:9-a Use of Alternative to Secure Detention. An officer may, with court approval, release a child to an alternative to secure detention as defined in RSA 169-D:2, pending the arrival of the parent, guardian, or custodian. The alternative program may release the child to the parent, guardian, or custodian upon their arrival. Any court, police or probation officer, acting in good faith pursuant to this section, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of release to an alternative to secure detention.

169-D:9-b Detention in Adult Facilities Prohibited. Notwithstanding any other provisions of law, no child detained under this chapter shall be held for any length of time in a facility used for the detention of adult offenders.

Amend the bill by deleting sections 6, 7 and 10, and renumbering the original sections 8, 9 and 11 to read as 6, 7 and 8, respectively.

AMENDED ANALYSIS

This bill adds definitions to the chapters on delinquent children and child caring and placing agencies to clarify the meaning of various terms.

It also provides for the use of alternatives to secure detention when temporarily holding delinquent children or children in need of services.

The bill also makes statutory changes to accommodate the addition of references to alternatives to secure detention.

The bill also adds a provision to prohibit the detention of children in need of services in an adult correctional facility.

Amendment adopted.

Ordered to third reading.

HB 519, relative to consumer motor vehicle warranties. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill is not needed as adequate laws are now in force. Vote 13-2. Rep. G. Philip Rodgers for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority of this Committee believes HB 519 deserves further consideration as said bill is believed to be favorable consumer legislation. It is not uncommon for a consumer to find him/herself having lost considerable amounts of time and money in an attempt to have a defective vehicle made capable of average consumer use, unable to reach an agreement with their dealer, and upon consultation with an attorney, find themselves financially and emotionally unable to pursue a writ against both the dealer and manufacturer. Rep. Dolores R. Price for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Cushing moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Rodgers spoke against the motion.

Rep. Nixon spoke in favor of the motion.

Rep. Baker spoke against the motion and yielded to questions.

Rep. Cushing requested a roll call. Sufficiently seconded.

YEAS 157 NAYS 199

YEAS 157

BELKNAP: Bowler, Golden, Maviglio, Lawrence Richardson and Thurston.

CARROLL: Olimpio and Schofield.

CHESHIRE: Blacketor, Corrigan, Daschbach, Doucette, Foster, Frink, LaMar, Matson, Miller, Ramsay, William Riley and Schwartz.

COOS: Brady, Guay, Kilbride, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Copenhagen, Dearborn, Densmore and Wayne King.

HILLSBOROUGH: Baldizar, Beaupre, Lionel Boucher, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Cid, Cote, Cusson, Gerard Desrochers, William Dion, Donovan, Dube, Dupont, Durant, Dwyer, Frank, Ruth Gage, Genest, Scott Green, Guilbert, Marian Harrington, Healy, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Lanzara, Lefebvre, Long, Lown, Lozeau, McGlynn, McRae, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Pariseau, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Bardsley, Beaton, Laurent Boucher, Fillion, Gilbreth, Hess, Alf Jacobson, Burton Knight, Pantzer, Philbrick, Provencal, Rehlander, Trombly, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Butler, Eunice Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Ellyson, Gourdeau, Hynes, Robert Johnson, Joyce, Phyllis Katsakiores, McGovern, Merchant, Nagel, Newell, Pantelakos, Parr, Pevear, Popov, Read, Rosencrantz, Sanderson, Schwaner, Sherburne, Tilton, Vaughn, Walker and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Frew, Jean, Sandra Keans, Kincaid, Laurion, Lussier, Martling, William McCann, McManus, Parks, Pelley, Francis Robinson, Ralph Torr and Wall.

SULLIVAN: D'Amante, Ingram and Normandin.

NAYS 199

BELKNAP: Bolduc, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, Hunt, Morse and Perry.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Purrington.

GRAFTON: Adams, Bean, Bennett, Christy, Driscoll, Hammond, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Bass, Boutwell, Chretien, Cowenhoven, Cox, Daigle, William Desrosiers, Paul Dionne, Domaingue, Drolet, Ducharme, Dykstra, Clyde Eaton, Fields, Nancy Ford, Granger, Grip, Hatch, Holden, Humphrey, Robert Kelley, Alice Knight, Kurk, Levesque, Magee, Mason, Packard, Paquette, Perham, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Steiner, Stonner, Tarpley, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, James Chandler, Fraser, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Phelps, Walter Robinson, Gerald Smith, Stio, Tupper and West.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Buco, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Hoar, George Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Palumbo, Ritzo, Schmidtchen, Scott, Seward, Simon, Skinner, Sochalski, Splaine, Sytek, Tufts, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Bernard, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kinney, Koromilas, Lachance, Musler, Proulx, Spear, Swope, Ann Torr and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. Bonnie McCann notified the Clerk that she wished to be recorded against the substitute motion.

Resolution adopted.

HB 614-FN, relative to insurers' reporting requirements and a consumer advocate. Inexpedient to Legislate.

Testimony shows that all information requested in this bill is now available, or is available, at the request of the Commissioner. The part on consumer advocate was removed from the bill by unanimous vote of the Committee. Vote 11-4. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

BB 705-FN, relative to itinerant vendors. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The bill, as amended, licenses and bonds itinerant vendors, hawkers and peddlers at the state level, but with local enforcement. It aims at equalizing the competition between permanent and transient vendors. Vote 11-4. Rep. Eugene E. Pantzer for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This would be better done at the local level in towns and cities. Reps. G. Philip Rodgers and George H. Baker, Sr. for the Minority of Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition. Amend RSA 321:1 to read as follows:

321:1 Defined. For [all] *the* purposes of this chapter, the words "itinerant vendors" mean all persons (as defined by RSA 358-A:1), both principals and agents, *including those persons whose principal place of business is not in this state*, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, *with a total value greater than \$500*, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy [any room, building or structure for the exhibition and sale of such goods, wares and merchandise or samples] *a temporary place of business. A "temporary place of business" means any public or quasi-public place, including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.*

2 Hawkers and Peddlers; Definition. Amend RSA 320:1 to read as follows:

320:1 Definition. Except as [hereinafter] expressly provided *elsewhere in this chapter*, the terms "hawker" and "peddler" as used in this chapter shall mean and include any person (as defined by RSA 358-A:1) either principal or agent, who goes from town to town or from place to place in the same town, or from a temporary place of business, carries or *exposes* for sale or barter[, or exposes therefor,] any goods, wares or merchandise *with a total value less than or equal to \$500*. Without limiting the foregoing, the terms "hawker" and "peddler" shall mean and include any person, either principal or agent, who goes from town to town, or from place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contract relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building.

3 Itinerant Vendors; Exception. RSA 321:3 is repealed and reenacted to read as follows:

321:3 Exceptions. The provisions of this chapter shall not apply to the following:

I. Sales made to dealers by commercial travelers or selling agents.

II. Hawkers and peddlers, as defined in RSA 320:1.

III. Any person selling the product of his own labor or the labor of his family, or the product of his own farm or the one he tills.

IV. Any person who operates a permanent business in this state, occupies temporary premises, and prominently displays the permanent business' name and permanent address while business is conducted from the temporary premises.

V. Any nonprofit corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.

VI. Any person conducting business in any industry or association trade show.

VII. Any person who sells goods by sample, brochure, or catalog for future delivery or any person who makes sales as the result of the invitation to the person by the owner or occupant of a residence.

4 Deposit; Bond Posted; License Fee. Amend RSA 321:4 to read as follows:

321:4 Deposit; Fee; Issue.

I. Every itinerant vendor desiring to do business in this state shall make a special deposit of [\$500] *\$5,000, in the form of cash or a surety bond*, with the secretary of state, and, thereafter, upon application in proper form and the further payment of [\$50] *\$250* as a state license fee, the secretary of state shall issue to him an itinerant vendor's license, authorizing him to do business in this state in conformity with the provisions of this chapter for the term of one year from the date [thereof] *of application*. The license shall contain a copy of the application upon which it is granted. *Any person whose bond, deposited pursuant to this section, is cancelled prior to the original expiration date of such bond shall be responsible to notify the secretary of state of such cancellation within 2 business days of the cancellation.*

II. *Every employee or agent of an itinerant vendor, operating in this state as an itinerant vendor as defined by RSA 321:1, may in lieu of an application under paragraph I, upon application in proper form and payment of a \$250 state license fee to the secretary of state, be issued an itinerant vendor's license for a period of one year. Licenses issued under this paragraph, however, shall be null and void upon expiration of the itinerant vendor's license held by the employer, or upon termination of employment with said licensed vendor.*

5 License Application; Form and Content. Amend RSA 321:6 to read as follows:

321:6 Applications; Record. *Applications for state licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent.* All applications for state licenses shall be sworn to, shall state the name and residence of the owners or parties in whose interests the business is conducted, and shall be kept on file by the secretary of state, who shall keep a record of all licenses issued by him.

6 Cancellation; Payment of Claims. Amend RSA 321:7 to read as follows:

321:7 Cancellation. Any state license may be surrendered for cancellation at any time. Upon the expiration and return or surrender of any state license, the secretary of state shall cancel the same, endorse the date of delivery and cancellation thereon and place it on file. He shall thereafter hold the special deposit provided for in RSA 321:4 for 60 days[, and, after satisfying the claims made upon the same under RSA

321:8, shall return the balance of said deposit to the licensee]. *The secretary of state shall satisfy all claims made against any itinerant vendor from the cash deposited by such vendor, or by demanding payment of such claims from the issuer of any bond filed on behalf of such vendor. After satisfying the claims made upon the deposit under RSA 321:8, the secretary of state shall return the balance of any cash deposit to the licensee.* No deposit shall be paid to the licensee so long as there are notices of outstanding claims against it.

7 Application of Deposits; Fines; Priority of Claims; Cash or Bond. Amend RSA 321:8, 9, and 10 to read as follows:

321:8 Application of Deposits. Each deposit made with the secretary of state, *whether in the form of cash or a surety bond*, shall be subject, so long as it remains in his hands, to attachment under trustee process and execution in behalf of creditors whose claims arise in connection with the business done in the state, and he shall pay over *or demand payment from the issuer of the surety bond*, under order of court, or upon execution, of such sum as he may be charged with upon his disclosure.

321:9 Fines. Said *cash deposit or surety bond* shall also be subject to the payment of all fines and penalties incurred by the licensee for violations of this chapter, and the clerk of the court in which such fine or penalty is imposed shall thereupon notify the secretary of state of the name of the licensee against whom such fine or penalty is adjudged and the amount thereof. The secretary of state, if he has in his hands a sufficient sum, shall pay the same to said clerk *or demand payment of such sum from the issuer of the surety bond*; otherwise he shall make payment as aforesaid of so much as he has in his hand *or as much as he can recover from the issuer of the surety bond*.

321:10 Order of Payment. All claims upon the *cash deposit or surety bond* shall be satisfied after judgment in the order in which notice thereof was received by the secretary of state, until all claims are satisfied or the *cash deposit or surety bond* exhausted; but no notice filed after the expiration of said 60 days shall be allowed.

8 State License; Filing With Town Clerk. Amend RSA 321:11 to read as follows:

321:11 [Procuring] *Filing*. Every itinerant vendor intending to sell goods in any town shall file his state license [and an application for a local license] with the [tax collector] *town clerk* for such town[, and, before selling, offering or exposing for sale any goods, shall pay to the collector, for the use of the town, as a local license fee for such sale in such town, a sum to be computed and collected as herein provided in each town] in which said goods shall be offered or exposed for sale. *Each such state license shall remain on file with the town clerk so long as such goods are kept, offered, or exposed for sale in such town.*

9 Conditions of License; Expiration. Amend RSA 321:16 to read as follows:

321:16 Conditions. The payment of [such local] *the state* license fee shall authorize such [applicant] *itinerant vendor* to sell, within the limits of [said] *a town in which he has filed his license*, goods only of the kind or line specified in his application, and for that purpose to carry in stock such goods [, not to exceed in amount at any one time the value on which the local license fee was computed]; and such license shall [terminate and] expire [on April 1 next] *on December 31 of the calendar year*.

10 Failure to Apply for License; Penalty. Amend RSA 321:17 to read as follows:

321:17 Neglect to Apply; Fraud; Penalty. Whoever, as principal or agent, having in his care, custody or keeping any goods for the sale of which a [local] *state* license is required, neglects or refuses to file the application for such license, or makes a false or fraudulent representation or statement in such application, shall be guilty of a violation for each day such goods are so kept, offered or exposed for sale.

11 Stock Increase; Additional Fees. Amend RSA 321:18 to read as follows:

321:18 Increase of Stock. Any itinerant vendor who, after applying or paying for a [local] *state* license, shall increase his stock kept, offered or exposed for sale in the town [for] *in* which such [local] *state* license [fee was paid, above the valuation upon which the license was computed] *was filed*, shall make application for a supplementary license for such excess of stock in like manner as for his original license, and the [fees] *fee* therefor shall be [computed, certified and collected in like manner] *the same as for his original license*.

12 Reference to Town License Deleted. Amend RSA 321:19 to read as follows:

321:19 Advertisement. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, testator's, executor's, administrator's, receiver's, wholesale, manufacturer's or closing-out sale, or as a sale of goods damaged by fire, smoke, water or otherwise, or in any similar form, unless he shall, before so doing, state under oath to the secretary of state[, and to the tax collector of each town where the goods are offered for sale], either in the [applications] *application* for [licenses] *license*, or in supplementary applications subsequently filed and copied on the [licenses] *license*, all the facts relating thereto, the reason for and the character of such sale, including a statement of the names of the persons from whom the goods were obtained, the date of their delivery to the applicant, the place from which they were last taken and all the details necessary to locate and identify them.

13 Advertising; License Required. Amend RSA 321:20 to read as follows:

321:20 No Advertisement Until Licensed. No person, either as principal or agent, shall, by circulars, handbills, newspapers or in any other manner, advertise any sale by an itinerant vendor before a state [and local licenses] *license* for such sale [have] *has* been procured.

14 Repeals. The following are repealed:

I. RSA 321:12, relative to application for a local itinerant vendor's license.

II. RSA 321:13, relative to computation of the fee for a local itinerant vendor's license.

III. RSA 321:14, relative to a lien by a town based on the local license fee.

IV. RSA 321:15, relative to filing of state licenses as receipts for local itinerant vendor fees.

V. RSA 321:23, relative to an alternate local itinerant vendor licensing system.

15 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

The bill, as amended, distinguishes itinerant vendors from hawkers and peddlers based on the value of goods held for sale by each. It

increases the required bond filed from \$500 to \$5,000, and increases the state license fee from \$50 to \$250.

The bill, as amended, delineates persons not considered itinerant vendors to include charitable and nonprofit organizations, persons conducting trade shows, persons selling self-produced products or farm products, and persons having permanent businesses in the state using temporary premises.

The bill, as amended, eliminates local licensing of itinerant vendors. Itinerant vendors are required to keep their licenses on file with the town clerk as long as they sell merchandise in the town. Bonds filed as security are effective for 60 days beyond the expiration date of the license to protect consumers' rights of recovery.

Amendment adopted.

Ordered to third reading.

CACR 7, relating to the composition and compensation of the general court. Providing that there be a unicameral legislature of 80 members and each member's salary shall be \$12,000. MAJORITY: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This resolution contains three separate and controversial issues:

1. Testimony revealed that the unicameral, or one-body, legislative concept lacks the checks and balances believed to be essential to the legislative process. The only state in the nation which utilizes a unicameral legislature is Nebraska, which provided for a unicameral body in its original state charter. Support for this proposal was generally lacking.

2. Many people support a reduction in the size of the House; however, few support a membership as small as 80 and few agree on a definite number. It does appear that a citizen legislature of 400 still finds favor with voters.

3. A salary of \$12,000 annually is not unreasonable compensation for legislators. Indeed, some argue this amount is not enough. However, this sum is based on the realistic assumption that voters will choose to reduce the size of the House of Representatives. A salary for legislators has never been approved by the Legislature.

The Subcommittee finds merit with the proposals to reduce the size of the House and compensate legislators. A Committee appointed to study these proposals over a period of time might be more appropriate.

Vote 9-1. Rep. Roger Stewart for the Majority of Constitutional and Statutory Revision.

MINORITY: The same Subcommittee on this proposed Constitutional Amendment, CACR 15 and CACR 9, met for a total of three hours on all three proposed amendments and did not take testimony of the sponsors before voting all three Inexpedient to Legislate. Therefore, the Minority of the Committee will give the sponsors the option of presenting their testimony to the House. Rep. Betty B. Hall for the Minority of Constitutional and Statutory Revision.

Majority report adopted.

CACR 9, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. Inexpedient to Legislate.

Testimony and subsequent information concerning sweepstakes funds reveals existing statutes relative to said funds, which appear to adequately provide for the intended educational use of such funds. This issue is also contained in a House Bill, HB 325-FN-A, that has passed the Senate and has been signed by the Governor.

In any case, this Committee has been adverse to passing bills amending the State Constitution to provide for dedicated revenues. Vote 10-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

Report adopted.

CACR 15, relating to a reapportionment commission and the size of the house and senate. Providing that there be a 10-member reapportionment commission which shall establish single member districts for the house and senate, congressional districts, and executive councilor districts; and that the house range in size from 200 to 400 members and the senate from 24 to 48 members. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: In 40 states, reapportionment is handled either solely by the Legislature or a combination of legislature and commission. Those states with combinations authorize their legislatures to approve final plans. Where legislatures fail to approve, court participation, and without this provision it would be difficult, if not impossible, to pass this bill. Single-member districts would be unwieldy and too costly to implement for a 400-member House. The sponsor of this resolution is not inflexibly committed to this concept, particularly if it would disrupt the orderly functioning of the political process and add possibly burdensome costs to that process. The proposal regarding the size of the House and Senate does not realistically address the issue. It does not provide any real change in the current structure, since we will be voting to retain the current number of 400, neither would this proposal provide standards for a rational redistricting plan. Vote 8-2. Rep. Roger Stewart for the Majority of Constitutional and Statutory Revision. MINORITY: The constitutional provisions which mandate preserving town and ward boundaries and requiring 375-400 House seats makes it almost impossible to redistrict without creating many multi-member districts. In the last redistricting it could not be done without creating floater districts also. Voters are confused with floater districts. Multi-member districts do not have head-to-head contests in the general election of the best candidates of each party which promotes voter interest and participation. This Constitutional Amendment requires single-member districts and sets up a redistricting commission. Reps. Betty B. Hall and Ellen C. Dube for the Minority of Constitutional and Statutory Revision.

Majority report adopted.

HB 16, increasing the number of write-in votes required for a candidate to accept the nomination of a different party. Inexpedient to Legislate.

The Subcommittee studied HB 16 and HB 504 in conjunction with one another. The recommendation to the full Committee on HB 16 was Inexpedient to Legislate. Vote 9-0. Rep. Betty B. Hall for Constitutional and Statutory Revision.

Resolution adopted.

HB 504, permitting a person to be the candidate of only one party. Ought to Pass with Amendment.

The amendment replaces the original bill. This bill was studied in conjunction with HB 16. The amendment provides that whenever a person is a candidate of more than one party, his name shall appear in each party column on the same line so that his name appears

side-by-side in each party column on the General Election ballot. The bill, as amended, also requires that the candidates' names be listed in alphabetical order. Vote 10-0. Rep. David A. Pierce for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the placement of candidates' names on ballots.

Amend the bill by replacing all after the enacting clause with the following:

1 Arranging Candidates' Names on General Election Ballot. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged *in the alphabetical order of their surnames* upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. *Whenever a person is the candidate of more than one party, his name shall appear in each party column on the same line so that the name appears side-by-side in each party column and, in such cases, the alphabetical order of the candidates' surnames may be altered if necessary.* The first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill provides that whenever a person is the candidate of more than one party, his name shall appear in each party column on the same line so that his name appears side-by-side in each party column on the general election ballot.

As amended, the bill also requires the names of all candidates on the general election ballot to be listed in alphabetical order.

Amendment adopted.

Ordered to third reading.

HB 388, relative to siting of low-level radioactive waste disposal facilities. Inexpedient to Legislate.

This bill was found inexpedient. Legislation addressing the problem will be entered in 1988 under another title. Federal legislation requires the State to address expeditiously the problem of siting a low-level nuclear waste facility. Vote 13-0. Rep. John L. Sherburne for Environment and Agriculture.

Resolution adopted.

HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979. Ought to Pass.

This bill should be passed as written, although it does not address the broader problem of industrial gravel production. Vote 14-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Ordered to third reading.

HB 639-FN, relative to certification of soil scientists. Ought to Pass with Amendment.

This bill establishes a Board of Certification of Soil Scientists, and the criteria to become certified. Vote 14-0. Rep. John L. Sherburne for Environment and Agriculture.

Amendment

Amend RSA 329-B:2, III and IV as inserted by section 1 of the bill by replacing them with the following:

III. "Pedology" means that aspect of soil science which involves, but is not limited to, the nature, properties, formation, classification, functioning behavior and response to use and management of soils. It shall include the identification, morphological description and mapping of soils, and the interpretation of soil properties and qualities. Pedology centers on soil as the physically, chemically, and biologically weathered part of the earth's crust, the collection of natural bodies on the earth's surface, supporting plants or capable of supporting plants.

IV. "Practice of soil science" means any professional service which requires the application of pedological principles and data. Such professional service includes identifying, classifying, mapping, and interpreting soils using standards of the National Cooperative Soil Survey, or its equivalent, or other standards approved by the board. This does not include the work performed by persons who sample and test soil only for agricultural activities, engineering activities or environmental interpretations. Those persons evaluating test pits for the purpose of land subdivision and septic system design are not included under this definition.

Amend RSA 329-B:5, III as inserted by section 1 of the bill by replacing it with the following:

III. The practice of officers and employees of the government of the United States or of the state of New Hampshire, while engaged within this state in the practice of the profession of soil science for the government.

Amend RSA 329-B:7 as inserted by section 1 of the bill by replacing it with the following:

329-B:7 Board of Certification of Soil Scientists; Establishment; Expenses.

I. A board of certification of soil scientists is established to administer the provisions of this chapter. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be soil scientists qualified in accordance with the procedures of the New Hampshire Conservation Commission, selected from a list of persons submitted by the New Hampshire delegation of the Society of Soil Scientists of Northern New England and one public member. The public member of the board shall be a person who is not, and never was, a member of the soil science profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of soil science services or an activity directly related to

soil science, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least 5 years immediately preceding his appointment. Each of the appointed qualified soil scientist members shall have actively practiced soil science for at least 6 years immediately prior to his appointment and shall have held a position of responsibility for at least 2 years prior to his appointment, which may include the teaching of soil science.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be able to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve until his successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of his predecessor's appointment, regardless of the date of his appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor under RSA 4:1.

IV. Members of the board shall be reimbursed for mileage at the state employee rate.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairman, vice-chairman, and secretary. A quorum of the board consists of at least 3 members.

VI.(a)' The board shall keep a record of its proceedings and a register of all applications for registration, which shall show:

- (1) The name, age, and residence of each applicant;
- (2) The date of application;
- (3) The place of business of such applicant;
- (4) The applicant's educational and other

qualifications;

- (5) Whether or not an examination was required;
- (6) Whether the applicant was rejected;
- (7) Whether a certificate of registration was granted;
- (8) The date of the action by the board; and
- (9) Such other information as may be deemed necessary

by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and places of business of all soil scientists certified by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so certified, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

Amend RSA 329-B:17 as inserted by section 1 of the bill by replacing it with the following:

329-B:17 Waiver. From June 30, 1989, to June 30, 1990, a person engaged in the practice of soil science on January 1, 1989, or having had one or more years of experience, may apply to the board for certification without examination. The board shall approve such application, provided the applicant meets the other qualifications required under RSA 329-B:10. The board may waive these requirements, provided job experience, education and/or the applicant's scores on competency exams administered by another state and accepted by the board justifies such waiver.

Amend RSA 329-B:22 as inserted by section 1 of the bill by replacing it with the following:

329-B:22 Prior Procedure for Qualification. The qualification procedure adopted by New Hampshire Conservation Commission January 1, 1986, shall expire January 1, 1989.

Amend the bill by replacing section 2 with the following:

2 Initial Fees. The fees initially established by the board of certification of soil scientists under RSA 329-B:18 shall be sufficient to produce estimated revenues equal to 125 percent of the estimated direct operating expenses of the board for the remainder of fiscal year 1989.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill establishes a regulatory system for professional soil scientists. It defines soil science and the practice of the science. It establishes qualifications for certified soil scientists and apprentice soil scientists.

The bill establishes a board of certification of soil scientists to establish certification criteria, approve educational programs, establish certification renewal procedures, set fees for certification and renewal, and enforce the provisions of the chapter through hearings and disciplinary actions. The bill administratively attaches the board to the department of agriculture. The bill establishes penalties for violation of the provisions of the chapter.

The bill provides for the expiration of the present soil scientist qualification procedures adopted by the New Hampshire Conservation Commission in 1986.

Amendment adopted.

Ordered to third reading.

HB 685-FN, deferring payments for assessments made for municipal betterments benefiting land classified as open space land. Inexpedient to Legislate.

The Committee felt this bill was not really involved with the interests of Environment and Agriculture, but should be considered by Municipal and County Government. Vote 14-0. Rep. Barbara B. Bowler for Environment and Agriculture.

Resolution adopted.

HB 242, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission. Ought to Pass with Amendment.

House Bill 242, as amended, will establish a clear, unquestionable line of authority over the Fish and Game Department. The role of the Fish and Game Commission will be advisory to the Executive Director of the Department. The responsibilities of the Executive Director and the Fish and Game Commission are very specific in this amendment. Vote 17-0. Rep. David M. Scanlan for Fish and Game.

Rep. Doris Riley moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to her motion.

Rep. Scanlan spoke against the motion.

Rep. Richard Haynes and D'Amante spoke in favor of the motion.

Rep. Powers spoke against the motion and yielded to questions.

(Deputy Speaker Burns in the Chair)

Reps. Pantelakos, Felch and Lewis spoke against the motion.

Reps. Oleson, George Gordon and Drake spoke in favor of the motion.

(Speaker in the Chair)

Reps. William Boucher and Rounds spoke against the motion.

Rep. LaMott spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS	203	NAYS	162
YEAS	203		

BELKNAP: Golden, Malcolm Harrington, Locke, Pearson and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Hounsell and McIntire.

CHESHIRE: Clark, Delano, Frink, Grodin, LaMar, Matson, Morse, William Riley and Schwartz.

COOS: Brady, Brungot, Harold Burns, Guay, Horton, Kilbride, Nelson and Oleson.

GRAFTON: Arnesen, Bennett, Chambers, Dearborn, Densmore, LaMott, Ezra Mann, McAvoy, Stewart, Walter and Weymouth.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Beaupre, Bourque, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domainque, Donovan, Drolet, Ducharme, Dwyer, Dykstra, Frank, Ruth Gage, Genest, Granger, Scott Green, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Robert Kelley, Donna Kelly, Alice Knight, Lanzara, Leclerc, Levesque, Long, Lown, Lozeau, McGlynn, McRae, Moore, Morrisette, Mulligan, Robert Murphy, O'Rourke, Pappas, Paquette, Pariseau, Perham, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Shriver, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Beaton, Laurent Boucher, Gilbreth, George E. Gordon, Hess, Mary Holmes, Kidder, Burton Knight, Merton Mann, Nichols, Doris Riley, Walter Robinson, Trombly, Wallner and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Blanchard, Carpenito, Cressy, Cushing, Drake, Flanagan, Harry Flanders, John

Flanders, Bert Ford, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Roger King, Lovejoy, Magoon, Merchant, Newell, Pevear, Ritzo, Rosencrantz, Schmidtschen, Schwaner, Seward, Simon, Skinner, Splaine, Tilton, Walker, Warburton and Welch.

STRAFFORD: Appleby, Bernard, Callaghan, Casey, Anita Flynn, Patricia Foss, Frechette, Frew, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, William McCann, McManus, Pelley, Proulx, Spear, Swope and Ann Torr.

SULLIVAN: Cutting, D'Amante, Domini, Flint, Ingram, Lindblade, Normandin, Peyron and Spaulding.

NAYS 162

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Hardy, Hawkins, Holbrook, Jensen, Maviglio, Randall, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Robert Holmes, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Corrigan, Daschbach, Jesse Davis, Doucette, Foster, Irvin Gordon, Hunt, Miller, Parker, Perry and Ramsay.

COOS: Frederic Foss, Marsh, Purrington and Theriault.

GRAFTON: Adams, Bean, Blair, Christy, Copenhaver, Driscoll, Hammond, Wayne King, Lougee, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Lionel Boucher, Cid, Cowenhoven, Dube, Dupont, Durant, Clyde Eaton, Fields, Nancy Ford, Grip, Guilbert, Marian Harrington, Hatch, Healy, Michael Jones, Korcoulis, Kurk, Lefebvre, Magee, Mason, Bonnie McCann, Messier, Nixon, Packard, Pignatelli, Routhier, Sallada, Schneiderat, Leonard Smith and Watson.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, James Chandler, Fillion, Fraser, Gross, Hager, Douglas Hall, Hayes, Alf Jacobson, C. William Johnson, Lewis, Lockwood, Manus, Millard, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Gerald Smith, Stio, Tupper, West and Yeaton.

ROCKINGHAM: Benton, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Ellyson, Felch, Fesh, Beverly Gage, Gosselin, Phyllis Katsakiores, Maurice MacDonald, Mace, Malcolm, William F. McCain, McGovern, McKinney, Nagel, Palumbo, Pantelakos, Parr, Popov, Read, Sanderson, Scott, Sherburne, Sochalski, Sytek, Tufts, Vaughn, Weddle and Wright.

STRAFFORD: Bates, Dingle, Albert Dionne, Edward Flynn, Musler, Parks, Francis Robinson, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Krueger, McKee, Rodeschin, Schotanus and Sara Townsend, and the motion was adopted.

Resolution adopted.

HB 390, relative to damages recoverable for non-economic loss in personal actions. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill will amend RSA 508:4-d, establishing a ceiling of \$875,000 for non-economic damages by allowing the court to accept a jury verdict in excess of the cap, provided the evidence and damages support such an increase and the imposition of the cap would work an injustice on the injured party. The court, which has heard all the testimony and evidence, is in the best position to make this determination. Judges already have this power called "Additur," at common law and this would make clear that this power continues in these circumstances.

Such a position is substantiated by the testimony before the Committee that New Hampshire juries have historically been very conservative in their verdicts.

Additionally, this bill includes a cost-of-living increase in order to maintain the cap somewhere near the purchasing power at the time of enactment. Vote 10-3. Rep. Robert E. Murphy for the Majority of Judiciary.

MINORITY: This bill, if enacted, would effectively repeal the cap on non-economic damages enacted by HB 513 in 1986, the Tort Reform bill. No cases have exceeded this cap and there is no reason to repeal it. This bill would tie the cap to the Consumer-Price Index and allow the cap to be waived by any judge if he or she so desires. The result will be uneven application of and instability in the law. Reps. Thomas U. Gage, Richard C. Stonner and Elizabeth A. Moore for the Minority of Judiciary.

Rep. Thomas Gage moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Murphy, Hess, Reardon and Nixon spoke against the motion.

Reps. Moore and Sytek spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Rep. Trombly abstained from voting under Rule 16.

YEAS 231 NAYS 112
YEAS 231

BELKNAP: Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson, Thurston, Vogler and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Corrigan, Jesse Davis, Delano, Foster, Grodin, Hunt, LaMar, Morse, Parker, Perry and Ramsay.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Oleson.

GRAFTON: Adams, Bean, Blair, Christy, Driscoll, Lougee, Ezra Mann, McAvoy, Rounds, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Baldizar, Bass, Beaupre, Boutwell, Bowers, Buckley, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Drolet, Dykstra, Fields, Nancy Ford, Granger, Grip, Guilbert, Marian Harrington, Hatch, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Robert Kelley, Alice Knight, Kurk, Lanzara, Leclerc, Levesque, Magee, Mason, Bonnie McCann, McRae, Moore, Packard, Pariseau, Perham, Prestipino, Ellen-Ann

Robinson, Rodgers, Routhier, Sallada, Shriver, Stiles, Stonner, Tarpley, Vanderlosk, Wagner, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Lockwood, Merton Mann, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Doris Riley, Walter Robinson, Gerald Smith, Tupper, Whittemore and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, William Boucher, Butler, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hynes, Robert Johnson, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Merchant, Newell, Palumbo, Païr, Ritzo, Schmidtchen, Schwaner, Scott, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Walker, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bernard, Callaghan, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Kinney, Lachance, Laurion, Martling, Musler, Parks, Pelley, Proulx, Swope, Ann Torr, Ralph Torr and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin and Spaulding.

NAYS 112

BELKNAP: Bowler, Maviglio, Randall and Turner.

CARROLL: Russell Chase and Kenneth MacDonald.

CHESHIRE: Daschbach, Doucette, Frink, Irvin Gordon, William Riley and Schwartz.

COOS: Kilbride, Nelson, Purrington and Theriault.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Dearborn, Densmore, Wayne King and Scanlan.

HILLSBOROUGH: Ahern, Alukonis, Baker, Bourque, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cusson, William Dion, Dube, Ducharme, Dupont, Durant, Dwyer, Frank, Ruth Gage, Genest, Scott Green, Healy, Michael Jones, Donna Kelly, Korcoulis, Long, Lown, McGlynn, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Schneiderat, Leonard Smith, Soucy, Steiner, Sullivan, Turgeon and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Hess, C. William Johnson, Burton Knight, Manus, Rehlander, Wallner and West.

ROCKINGHAM: Carl Anderson, Benton, Blanchard, Blanchette, Bucu, Eunice Campbell, Carpenito, Cressy, Cushing, Joyce, George Katsakiores, Phyllis Katsakiores, McGovern, Nagel, Pantelakos, Pevear, Popov, Sanderson, Seward, Sherburne, Vaughn and Weddle.

STRAFFORD: Jean, Sandra Keans, Kincaid, Koromilas, Lussier, Francis Robinson, Spear and Wall.

SULLIVAN: Sara Townsend, and the motion was adopted.
Resolution adopted.

HB 642-FN, relative to approved furloughs and special purpose furloughs for prisoners. Ought to Pass with Amendment.

This bill sets up a furlough program for certain state prisoners who meet specific requirements after serving at least 1/3 of the minimum sentence. This program has been put in effect in several states with positive results. Vote 12-3. Rep. C. William Johnson for Judiciary.

Rep. Sytek moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to her motion.

Rep. Francis Robinson spoke against the motion and yielded to questions.

Reps. Weddle and Alf Jacobson spoke against the motion.

Rep. Palumbo spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 290 NAYS 64
YEAS 290

BELKNAP: Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Corrigan, Jesse Davis, Delano, Doucette, Foster, Frink, Irvin Gordon, Grodin, Hunt, Miller, Morse, Parker, Perry and Schwartz.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Bean, Bennett, Blair, Christy, Dearborn, Driscoll, Hammond, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, Burkush, A. Leslie Burns, Champagne, Cid, Cowenhoven, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Ducharme, Dupont, Dwyer, Dykstra, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Granger, Scott Green, Grip, Guilbert, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Michael Jones, Cornelius Keane, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lanzara, Leclerc, Lefebvre, Levesque, Magee, Mason, Bonnie McCann, McRae, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Prestipino, Reardon, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Beaton, Laurent Boucher, Fraser, Gilbreth, George E. Gordon, Gross, Hayes, Hess, Mary Holmes, Kidder, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Doris Riley, Walter Robinson, Gerald Smith, Tupper, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Buco, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Conroy,

Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Gourdeau, Haynes, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Merchant, Nagel, Newell, Palumbo, Pantelakos, Parr, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vaughn, Walker, Welch and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Dingle, Albert Dionne, Patricia Foss, Frechette, Frew, Jean, Robert Jones, Kinney, Lachance, Laurion, Lussier, Musler, Parks, Pelley, Proulx, Spear, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, D'Amante, Domini, Flint, Ingram, Krueger, Lindblade, Normandin, Peyron, Rodeschin and Spaulding.

NAYS 64

BELKNAP: Bowler, Maviglio and Wixson.

CHESHIRE: Daschbach, LaMar, Matson, Ramsay and William Riley.

COOS: Oleson.

GRAFTON: Arnesen, Chambers, Copenhaver and Densmore.

HILLSBOROUGH: Buckley, Chretien, Cote, Durant, Marian Harrington, Korcoulis, Long, Lown, McGlynn, Messier, Mulligan, Nixon, Pignatelli, Reidy and Leonard Smith.

MERRIMACK: Bardsley, Fillion, Hager, Douglas Hall, Alf Jacobson, C. William Johnson, Burton Knight, Trombly, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cushing, Thomas Gage, Elizabeth Greene, McGovern, Pevear, Popov, Ritzo, Sanderson, Scott, Splaine, Warburton and Weddle.

STRAFFORD: Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Koromilas, Martling, Francis Robinson and Ralph Torr.

SULLIVAN: Brodeur, McKee and Sara Townsend, and the motion was adopted. Resolution adopted.

SENATE MESSAGE CONCURRENCE

HCR 14, relative to Joint Rules.

COMMITTEE REPORTS (cont.)

HB 85-A, relative to constructing a bypass on route 111 from the town of Windham to the town of Salem and making an appropriation therefor. Refer for Interim Study.

The consensus of the Subcommittee in its report to the Public Works Committee states that although the project is necessary, the original bill should be amended, after further interim study, to include details on accepted design, location of bypass and Environmental Impact Study (land acquisition) by the Department of Transportation. Vote 14-1. Rep. Eugene Ritzo for Public Works.

Report adopted.

HB 374-FN-A, permitting the operation of on-line video poker machines at certain facilities and making an appropriation therefor.

Majority: Inexpedient to Legislate. Minority: Refer for Interim Study.

MAJORITY: This proposal to install on-line video machines, also referred to as a form of slot machine, was to have the units installed in hotels and race tracks. The race tracks showed up in opposition and the Committee felt this was a step toward more gambling than it was comfortable with. There is little support for increased casino style gambling in New Hampshire. Vote 12-3. Rep. Robert F. Delano for the Majority of Regulated Revenues.

MINORITY: The minority of the Committee feels that this bill still merits more study since it is a very complex question. The time for further study and exploration would be beneficial. Rep. Carmine F. D'Amante for the Minority of Regulated Revenues.

Resolution adopted.

HB 214-FN, relative to penalties for violations of motor vehicle laws by minors. Ought to Pass.

This bill clarifies the language used in the provisions for punishing sixteen and seventeen year old drivers. It provides that this group is not subject to RSA 169-B:32 relative to an offense that is classified as a violation under a Motor Vehicle Law, Aeronautics Law, Navigation Law or a Fish and Game Law. Vote 13-0. Rep. Richard L. Haynes for Transportation.

Ordered to third reading.

HB 297-A, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor. Ought to Pass.

Because several facts need to be known concerning the subject covered by this bill, which facts will not be available for several weeks at least, the Committee voted to recommend passage at this time. If future developments indicate that other action should be taken this can be done on the House floor. Vote 10-1. Rep. Irvin H. Gordon for Transportation.

Rep. Irvin Gordon spoke to the report.

Rep. Hager moved that HB 297 be laid upon the table.

Adopted.

HB 340-FN-A, establishing a child care facilities fund.

Inexpedient to Legislate.

The Subcommittee, and the Committee as a whole voted Inexpedient because they felt there was another facility to address this issue (HB 375). They could not justify the \$.01 designated revenue on cigarettes. It had nothing to do with child care. Vote 13-0. Rep. Irene C. Domini for Children, Youth and Elderly Affairs.

Resolution adopted.

HB 494, relative to the rights of tenants to receive cable television. Refer for Interim Study.

The Subcommittee working on this bill agrees with the sponsor that this bill deserves further work and study. Vote 15-0. Rep. Raymond C. Buckley for Commerce, Small Business and Consumer Affairs.

Rep. Buckley yielded to questions.

Report adopted.

HB 521, amending the New Hampshire life and health insurance guaranty association act. Refer for Interim Study.

This bill deserves further attention. Vote 15-0. Rep. Raymond C. Buckley for Commerce, Small Business and Consumer Affairs.

Rep. Fraser yielded to questions.

Report adopted.

HB 219-FN-A, establishing a shooting range in the state and making an appropriation therefor. Refer for Interim Study.

In October 1986, a non-legislative Committee was established to make recommendations for a site, type of facility and estimated costs.

This Committee did not supply this information to enable the legislative Subcommittee to amend the bill. The Subcommittee recommends "Refer for Interim Study," so the information can be collected and the bill redrafted for consideration in the 1989 Session. Vote 16-0. Rep. Jack H. Schofield for Fish and Game.

Report adopted.

HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations. Inexpedient to Legislate.

The subject matter of this bill will be covered in HB 237 which is more inclusive than HB 301. Vote 11-1. Rep. Thomas U. Gage for Judiciary.

Rep. Fesh moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Alf Jacobson spoke against the motion and yielded to questions.

Reps. George Katsakiores, Hawkins and Kenneth MacDonald spoke in favor of the motion.

Rep. Thomas Gage spoke against the motion.

Rep. Warburton moved that HB 301 be laid upon the table.

Adopted.

HB 447, relative to the right to know law. Ought to Pass with Amendment.

This bill, as amended, includes the "agreed" sections of HB 727 from 1987. As amended, the bill makes no changes in the deliberative executive session provisions of the Right-to-Know Law. It merely clarifies the construction of the law and the definitions under RSA 91-A. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Construction; Definitions. RSA 91-A:1-a is repealed and reenacted to read as follows:

91-A:1-a Liberal Construction. This chapter shall be liberally construed to provide the greatest access to records and meetings. All exemptions shall be strictly construed against the public body.

91-A:1-b Definitions. In this chapter:

I. "Meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-b, II to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. "Meeting" shall not include:

(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;

(b) Strategy or negotiations with respect to collective bargaining; or

(c) Consultation with legal counsel, provided that only members of the body, legal counsel, or the agents and employees of either are present and that only legal matters are discussed.

II. "Public body" means:

(a) The general court, including committees of conference and executive sessions of committees;

(b) The governor's council;

(c) The governor with the governor's council;

(d) Any board, commission, agency, or other authority of state government;

(e) Any board, commission, agency, or other authority, of any county, town, municipal corporation, school district, or other political subdivision;

(f) The board of trustees of the university system of New Hampshire and committees of that board; or

(g) Any committee, subcommittee or subordinate body thereof, or advisory committee to any of the above.

III. "Public proceedings" means the transaction of any functions affecting any or all citizens of the state by any public body.

2 Meetings Open to the Public. RSA 91-A:2 is repealed and reenacted to read as follows:

91-A:2 Meetings Open to the Public.

I. All public proceedings, as defined by RSA 91-A:1-b, III, shall be open to the public and all persons, including any member of the media, shall be permitted to attend any meetings of those public bodies.

II. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot.

III. Any person shall be permitted to use recording or broadcast devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings.

IV. If the charter of any city or guidelines or rules of order of any public body as defined in RSA 91-A:1-b, II require a broader public access to official meetings and records than described in this chapter, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

V. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives, the senate, or the joint rules, whichever rules are appropriate, shall be sufficient notice.

3 Executive Sessions. RSA 91-A:3 is repealed and reenacted to read as follows:

91-A:3 Executive Sessions.

I. Bodies or agencies may meet in executive session for deliberations only after a majority vote of members present, which shall

be recorded in the minutes of the meeting. All sessions at which information, evidence, or testimony in any form is received, except as provided in paragraph II, shall be open to the public. No ordinance, orders, rules, resolutions, regulations, contracts, appointments, or other official actions shall be finally approved in executive session except as provided in paragraph II. The record and minutes of the executive session, as provided in RSA 91-A:4, shall be available for public inspection promptly, except as provided in RSA 91-A:4, II(b).

II. A public body may meet in executive session and exclude the public only if a recorded roll call vote is taken, and the appropriate exemption under this paragraph is stated. The matters discussed during the executive session shall be confined to the matters stated in the motion. A motion to go into executive session stating which exemption under this paragraph is claimed shall be made only when the public body is considering or acting upon the following matters:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected requests an open meeting.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.

(d) Consideration of the acquisition, sale, or lease of property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened or filed against the public body or any subdivision thereof, or against any member thereof because of his membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.

(f) Consideration of applications by the adult parole board under RSA 651-A.

4 Minutes and Records Available for Public Inspection. RSA 91-A:4 is repealed and reenacted to read as follows:

91-A:4 Minutes and Records Available for Public Inspection.

I. All minutes and records of meetings shall be available to the public, and all persons, including any member of the media, shall have access to them in accordance with this section.

II.(a) Minutes of all meetings as defined under RSA 91-A:1-a, I, including names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception.

(b) Minutes of proceedings in executive session shall be kept, at least to the extent of recording any decisions made therein. Decisions reached in executive session shall be publicly disclosed within 72 hours of the meeting. If divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself or render the proposed action ineffective, the members by a 2/3 vote of those present may decide not to divulge. In the event of such circumstances, information may be withheld until, by a majority vote of the members, it is determined that the aforesaid circumstances no longer apply.

III.(a) Every citizen during the regular or business hours of all public bodies as defined in RSA 91-A:1-b, II, and on the regular business premises of such bodies or any office thereof, has the right to inspect all public records, including minutes of meetings of the public

bodies, and to make memoranda, abstracts, and photographic or photostatic copies of the records or minutes so inspected, except those records exempted by statute or RSA 91-A:5.

(b) After the completion of a meeting of such bodies, every citizen, during the regular or business hours of all such bodies, and on the regular business premises of such bodies, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda, abstracts, photographic or photostatic copies, or tape record such notes, materials, tapes, or sources inspected, except those records exempted by statute or RSA 91-A:5.

(c) Each public body shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such body shall be kept in an office of the political subdivision in which such body is located or, in the case of a state agency, in an office designated by the secretary of state.

(d) Each public body shall, upon request for any public record reasonably described, make available for inspection and copying any such public record within its files when the record is immediately available for release. If a public body is unable to make a public record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a photocopying machine or other device maintained for use by a public body is used by the body to copy the public record or document requested, the person requesting the copy may be charged only the actual cost of providing the copy, which cost may be collected by the public body. Nothing in this section shall exempt any person from paying fees otherwise established by statute for obtaining copies of public records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

(e) In the same manner as set forth in RSA 91-A:4, III(d) any public body which maintains its records in a computer storage system may, in lieu of providing original documents, provide a printout of any records reasonably described and which the body has the capacity to produce in a manner that does not reveal information which is confidential under this chapter or any other law. Access to work papers, individual personnel files, and other confidential information under RSA 91-A:5, I(d) shall not be provided.

5 Exemptions. RSA 91-A:5 is repealed and reenacted to read as follows:

91-A:5 Exemptions.

I. The following records are exempted from the public access provisions of this chapter:

- (a) Grand and petit juries.
- (b) Parole and pardon boards.
- (c) Personal school records of pupils.
- (d) Records pertaining to internal personnel practices.
- (e) Confidential, commercial, or financial information of an individual, partnership or corporation.
- (f) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations.
- (g) Individual personnel, medical, welfare, and other files whose disclosure would constitute invasion of privacy.

II. Without otherwise compromising the confidentiality of the files, nothing in this section shall prohibit a public body from

releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

III. Any refusal of access to public records must be based upon one of the above stated exemptions which shall be specifically cited as to the basis for such refusal.

6 Reference Change. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. The courts shall give proceedings under this chapter priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. When any justice shall find that time [probably] is of the essence, he may order notice by any reasonable means, and he shall have authority to issue an order ex parte when he shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

7 New Sections; Penalty; Other Persons. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Penalty. Whoever knowingly violates the provisions of this chapter shall be guilty of a violation.

91-A:7-b Involvement of Other Persons. Any person not a member of the particular public body, but who was knowingly involved in the activity leading to a decision by the court that a meeting of the public body was held in violation of this chapter, shall be subject to the remedies and penalties provided under this chapter.

8 Mandatory Fees and Invalidation. Amend RSA 91-A:8 to read as follows:

91-A:8 Remedies.

I. If any *public* body [or agency] or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public record or refuses access to a public proceeding to a person who reasonably requests the same, such body [, agency,] or person shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter provided that the court finds that such lawsuit was necessary in order to make the information available or the proceeding open to the public. [Fees shall not be awarded unless the court finds that the body, agency or person knew or should have known that the conduct engaged in was a violation of this chapter or where the parties, by agreement, provide that no such fees shall be paid.] In any case where fees are awarded under this chapter, upon a finding that an officer, employee, or other official of a public body [or agency] has acted in bad faith in refusing to allow access to a public proceeding or to provide a public record, the court [may] *shall* award such fees personally against such officer, employee, or other official.

II. The court may invalidate an action of a public body [or agency] taken at a meeting held in violation of the provisions of this chapter if the circumstances justify such invalidation.

III. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter *or may issue a declaratory judgment.*

9 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill amends RSA 91-A, the "right-to-know" law.

The bill defines "meetings", "public body", and "public proceedings", and states that RSA 91-A shall be liberally construed to provide the greatest access to records and meetings. The governor and governor's council and legislative committees of conference are included as public bodies.

The bill eliminates the provision in current law allowing deliberative sessions. It also requires that refusal of access to records exempt from public access be specifically based on statutory authority.

The bill makes certain persons who are not members of a public body subject to remedies and penalties under RSA 91-A under certain circumstances, and adds a criminal penalty provision.

In addition, the bill rearranges certain sections of the current law for the sake of clarity.

Amendment adopted.

Rep. Thomas Gage spoke in favor of the report.

Thank you, Mr. Speaker. I rise in support of the Committee position on this bill. The primary reason why I rise is to clarify something on page 59. The amended analysis, as inserted in this Calendar, is wrong. It says on the second paragraph, or the third paragraph I guess you call it, "the bill eliminates the provision in the current law allowing deliberative sessions".

That sentence is one hundred percent wrong. I wrote the report on this bill and I will assure you and all you selectmen and planning board members in this room that you would never see my name on a report of ought to pass on a bill that will eliminate the deliberative sessions. Also, Rep. Sytek is going to be presenting an amendment after me to delete a part of our Committee amendment which has come to light, it does not do exactly what we thought we were voting for when we passed this bill in Committee, and so I will encourage you to vote in favor of Rep. Sytek's amendment when it is presented. Thank you.

Rep. Grodin moved that the remarks of Rep. Thomas Gage be printed in the House Journal.

Adopted.

(Deputy Speaker Burns in the Chair)

Rep. Sytek offered an amendment.

Amendment

Amend the bill by replacing section 7 with the following:

7 New Section; Penalty. Amend RSA 91-A by inserting after section 7 the following new section:

91-A:7-a Penalty. Whoever knowingly violates the provisions of this chapter shall be guilty of a violation.

AMENDED ANALYSIS

This bill amends RSA 91-A, the "right-to-know" law.

The bill defines "meetings", "public body", and "public proceedings", and states that RSA 91-A shall be liberally construed to provide the greatest access to records and meetings. The governor and governor's

council and legislative committees of conference are included as public bodies.

It also requires that refusal of access to records exempt from public access be specifically based on statutory authority.

The bill adds a criminal penalty provision.

In addition, the bill rearranges certain sections of the current law for the sake of clarity.

The Clerk read the amendment.

Rep. Sytek explained the amendment.

Rep. Chretien spoke to the amendment.

Amendment adopted.

Ordered to third.

HB 625-FN, changing the method of valuation for pleasure boats for the boat permit fee. Ought to Pass with Amendment.

This bill, as amended, provides an update to the system of collecting boat permit fees and boat registration fees. One part establishes a new schedule of fees and another part provides for the disposition of revenues received. Provision is made for funds for much needed additional Marine Patrol Section of the Division of Safety Services. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the boat permit and registration fees and depositing such moneys in the general fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. The general court hereby finds and declares that additional funds should be appropriated for the operation of the marine patrol section of the division of safety services, department of safety, for the promotion of the safety of navigation and the administration and enforcement of existing boating laws. The general court further finds and declares that 2 appropriate sources of additional funds are the boat permit fees imposed under RSA 72-A:3 and the boat registration fees imposed under RSA 270:5, and that although such fees are deposited in the general fund as unrestricted revenue as provided by this act, they are an appropriate source of funding to be dedicated for the administration and enforcement of existing boating laws.

2 Fee Increased. RSA 72-A:3, II is repealed and reenacted to read as follows:

II. On an average approximate F.O.B. or P.O.E. price as follows:

(a) Cruisers

Length

Overall

Feet

Motor

Price

Up to 24

Single,

\$ 18,800

Up to 24

Twin

23,200

24.1-28

Single

25,680

24.1-28

Twin

39,200

28.1-32

Single

44,240

28.1-32

Twin

56,080

32.1-36	Twin	78,560
36.1-40	Twin	102,960
40.1-44	Gas	130,640
40.1-44	Diesel	161,920
44.1-48	Gas	174,560
44.1-48	Diesel	220,720
48.1-52	Diesel	257,200
52.1 or over	Diesel	293,600

(b) Inboard Runabouts

10-17	\$ 8,240
17.1-20	12,640
20.1-24	19,840
24.1-28	31,440
28.1 - 32	53,360
32.1 - 36	87,680
36.1 - 40	101,760
40.1 or over	116,880

(c) Outboard with Motor

Length Overall Feet	Motor	Price
10 - 12	Up to 10 hp	\$ 1,280
10 - 12	10.1 to 20 hp	1,800
10 - 12	20.1 or over	3,080
12.1 - 16	Up to 10 hp	1,760
Length Overall Feet	Motor	Price
12.1 - 16	10.1 to 50 hp	3,240
12.1 - 16	50.1 or over	7,560
16.1 - 18	Up to 10 hp	2,480
16.1 - 18	10.1 to 50 hp	3,960
16.1 - 18	50.1 to 100 hp	5,680
16.1 - 18	100.1 or over	10,000
18.1 - 22	Up to 100 hp	13,040
18.1 - 22	100.1 to 175 hp	14,800
18.1 - 22	175.1 or over	17,960
22.1 - 26	Up to 175 hp	21,440
22.1 - 26	175.1 to 300 hp	24,640
22.1 - 26	300.1 or over	30,400
26.1 - 30	Up to 175 hp	27,600
26.1 - 30	175.1 to 300 hp	30,400
26.1 - 30	300.1 or over	33,760
30.1 & over	Up to 300 hp	36,960
30.1 & over	300.1 to 500 hp	43,680
30.1 & over	500.1 or over	57,350

(d) Pontoon and Houseboats

10 - 18	O/B	\$ 5,438
10 - 18	I/O	11,376
18.1 - 22	O/B	7,440
18.1 - 22	I/O	13,120
22.1 - 26	O/B	8,200
22.1 - 26	I/O	13,600
26.1 - 30	O/B	12,120

26.1 - 30	I/O	14,400
30.1 or over	O/B	16,360
30.1 - 36	I/B	20,960
36.1 - 40	I/O	42,920
40.1 - 46	I/O	78,120
46.1 - 50	I/O	104,760
50.1 or over	I/O	120,720

Length Overall Feet		Motor	Price
(e)		<u>Sailboats</u>	
18 - 20	O/B Aux.		\$ 6,680
20.1 - 24	O/B Aux.		10,480
24.1 - 28	O/B Aux.		21,280
24.1 - 28	I/B Aux.		23,120
28.1 - 32	O/B Aux.		37,040
28.1 - 32	I/B Aux.		39,440
32.1 - 36	I/B Aux.		45,520
36.1 - 40	I/B Aux.		68,560
40.1 - 44	I/B Aux.		94,760
44.1 - 48	I/B Aux.		105,000
48.1 or over	I/B Aux.		130,640

3 Minimum Fee Increased. Amend RSA 72-A:3, III to read as follows:

III. The minimum boat permit fee shall be [\$5] \$10.

4 Return of Boat Permit Fees to General Fund. RSA 72-A:5 is repealed and reenacted to read as follows:

72-A:5 Town Treasurer. Every clerk, tax collector, and authorized agent shall each week send all boat permit fees collected to the state treasurer to be deposited in the general fund. The division of motor vehicles shall each month send all boat permit fees collected to the state treasurer to be deposited in the general fund.

5 Registration Fee Increased. Amend RSA 270:5, III(a) to read as follows:

(a) Any boat that is powered by sail or by an inboard or outboard motor shall have its registration fee determined by length in the following manner:

Up to and including 16 feet	\$[7] 12
16.1 feet to 21 feet	[12] 17
21.1 feet to 30 feet	[17] 26
30.1 feet to 45 feet	[24] 36
45.1 feet and over	[32] 46

6 Additional Registration Fees. RSA 270:5, VII is repealed and reenacted to read as follows:

VII. There shall be paid to the director, in addition to the fees required by paragraph III, an additional fee of \$.50 for each registration required by the paragraph. The additional fee shall be paid into the exotic weed control fund established under RSA 149-F:5, in addition to the fees required under that section.

7 Registration Fees and Fines Deposited in General Fund. RSA 270:6 is repealed and reenacted to read as follows:

270:6 Disposition of Revenues. Except as provided in paragraph II, all fines collected under this chapter, all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, and the amount of fees generated by the fee schedule under RSA 270:5 shall be deposited in the general fund.

8 Repeal. 1977, 341:6, relative to fee flexibility, is hereby repealed.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill provides for an increase in boat registration and boat permit fee.

As amended, the bill revises the disposition of revenues from boat registration and boat permit fees and unrefunded motor vehicle road tolls, providing that 100 percent of the fees be deposited into the general fund.

As amended, the bill repeals the provision regarding fee flexibility, RSA 1977, 341:6, and eliminates the provision regarding an additional boat registration fee.

As amended, the bill encourages the use of funds collected from boat registration and boat permit fees to administer and enforce existing boating laws.

Amendment adopted.

Rep. Thurston offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the boat permit and registration fees and
depositing registration fee and certain permit
fee moneys in the general fund.

Amend the bill by replacing section 1 with the following:

1 Declaration of Purpose. The general court hereby finds and declares that additional funds should be appropriated for the operation of the marine patrol section of the division of safety services, department of safety, for the promotion of the safety of navigation and the administration and enforcement of existing boating laws. The general court further finds and declares that the boat registration fees imposed under RSA 270:5 and increased by this act provide an appropriate source of additional funds for the administration and enforcement of existing boating laws.

Amend the bill by replacing section 4 with the following:

4 Return of Certain Boat Permit Fees to General Fund. Amend RSA 72-A:5 to read as follows:

72-A:5 Town Treasurer.

I. Every clerk, tax collector, and authorized agent shall each week send all boat permit fees collected to his town or city treasurer. [The division of motor vehicles shall each month send all boat permit fees collected to the treasurer of the town or city where the money was collected.] [The] *Except as provided in paragraph II*, permit fees shall be for the general use of the town or city.

II. When the boat permit fee is collected by the division of motor vehicles, the division shall each month send all boat permit fees so collected to the state treasurer to be deposited in the general fund.

Amend the bill by deleting sections 7 and 8 and renumbering section 9 to read as section 7.

AMENDED ANALYSIS

As amended, this bill provides for an increase in boat registration and boat permit fees.

As amended, the bill provides that when the boat permit fee is collected by the division of motor vehicles, the division shall each month send all such fees to the state treasurer, to be deposited in the general fund.

As amended, the bill encourages the use of funds collected from boat registration fees to administer and enforce existing boating laws.

Hearing no objection, the Speaker advised the Clerk to dispense with the reading of the amendment.

Rep. Thurston explained the amendment and yielded to questions.

Amendment adopted.

Referred to Appropriations.

HB 369-FN-A, relative to the rate of the business profits tax.
Inexpedient to Legislate.

There are no figures available at this time to warrant a change in the tax rate. Vote 15-0. Rep Kathleen W. Ward for Ways and Means.

(Speaker in the Chair)

Rep. Jean spoke to the report.

Resolution adopted.

HB 669-FN, reducing the rate of the business profits tax.
Inexpedient to Legislate.

There are no figures available at this time to warrant a change in the tax rate. Vote 15-0. Rep. Kathleen W. Ward for Ways and Means.

Resolution adopted.

RECONSIDERATION

Rep. Hounsell moved that the House reconsider its action whereby it killed **HB 242**, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission.

Reconsideration lost.

The Merrimack County Delegation for the entire membership offered the following:

HOUSE RESOLUTION NO. 60

memorializing Representative Stephen N. Cahill of Concord.

WHEREAS, we have learned with great sorrow of the death of State Representative Stephen N. Cahill who was in the midst of his first term as an elected member of the New Hampshire House, and

WHEREAS, Stephen N. Cahill, as a respected and diligent member of the Standing Committee on Judiciary, devotedly and with integrity served his constituents in District 21 of Merrimack County, and

WHEREAS, having been a native of Brooklyn, New York, Stephen N. Cahill was a 1967 graduate of Niagara University and in 1978 earned his law degree from Franklin Pierce Law School, and

WHEREAS, from 1967 to 1973, Stephen N. Cahill served his country as a Captain in the United States Marine Corps, seeing duty in Vietnam as a helicopter pilot, and

WHEREAS, Stephen N. Cahill had a reputation for being a man who deeply cared about people, especially those in need, and he took every opportunity to demonstrate his concern, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Stephen N. Cahill be saluted and paid high tribute for his service as a member of the New Hampshire House, and for his concern for his fellow man, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Scamman for the entire membership offered the following:

HOUSE RESOLUTION NO. 59

memorializing Representative Cecelia L. Winn of Nashua.

WHEREAS, we have learned with great sorrow of the death of State Representative Cecelia L. Winn who between 1973 and 1987 was elected to eight consecutive terms to the New Hampshire House, and

WHEREAS, during her tenure as an elected servant of the people of District 28 of Hillsborough County, Cecelia L. Winn devotedly and diligently served as a member of the Standing Committees on Education and Ways and Means, also serving as a House Assistant Minority Leader, and

WHEREAS, having been a life-long resident of Nashua, Cecelia L. Winn, in 1944, became the first New Hampshire woman elected a delegate to the Democratic National Convention, again serving in that capacity in 1972, and

WHEREAS, in 1964, Cecelia L. Winn served as State Chairperson of the Johnson For President Committee, and

WHEREAS, Cecelia L. Winn served the State Democratic Party in numerous other capacities including as Chairwoman of New Hampshire Democratic Woman, Co-Chairwoman and president of the Nashua Democratic Woman's Club, Chairperson of the Nashua Democratic City Committee, and Vice Chairperson of the Hillsborough County Democratic Committee, and

WHEREAS, having been blessed with an abundance of community spirit, Cecelia L. Winn served, too, as President of St. Patrick's Ladies Guild, Secretary of the Nashua Teacher's Union, and Secretary and Trustee of the Catholic Daughters of America, and

WHEREAS, Cecelia L. Winn received her bachelor of education degree from Keene State College and her master of education degree from the University of New Hampshire, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Cecelia L. Winn be accorded highest praise for her distinguished and faithful service to the voters of Nashua and to the State Democratic Party, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 7 at 1:00 p.m.

Adopted.

LATE SESSION
Third reading and final passage

HB 615-FN, relative to complaints of insurance unfair trade practices.

HB 447, relative to the right to know law.

HB 452, relative to demerit points for younger drivers.

HB 585-FN, establishing a committee to study motor vehicle emissions controls.

HB 606-FN, relative to lock-up of children.

HB 705-FN, relative to itinerant vendors.

HB 504, relative to the placement of candidates' names on ballots.

HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979.

HB 639-FN, relative to certification of soil scientists.

HB 214-FN, relative to penalties for violations of motor vehicle laws by minors.

HCR 14, relative to Joint Rules.

HR 55, relative to House Rules.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 6:00 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.

Adopted.

HOUSE JOURNAL 2

Thursday, 7Jan88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Redeeming God, who gives to each of us just 24 hours in a day, seven days in a week, and 52 weeks in a year, remind us of our own humanity.

We can see the crying needs which surround us, and we know that there must be ambitious responses. We intend to work hard, but help us to pace ourselves, lest we exhaust ourselves in the first few days. With lengthy agendas and demanding calendars, we may imagine we can save the world within a few weeks.

All powerful God, confirm what we already know: that none of us in a single session or even in a generation can solve the ills which encircle us; but each in our own time can wage the battles for peace, justice and human compassion. Grant thy presence in this endeavor. Amen.

Rep. Jesse Davis led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Joseph Eaton, Wood, Ann Derosier, Lemire, Clark, Watson and Musler, the day, illness.

Reps. Proulx, Ralph Torr, Powers, Merton Mann, Laurion, Marilyn Campbell, Coulombe, John Young, David Young, Hollingworth, Crystal, Michael Jones, Ellen-Ann Robinson and Simon, the day, important business.

Rep. Daniel Eaton, the day, death in the family.

Reps. Wells and Joseph MacDonald, the day illness in the family.

INTRODUCTION OF GUESTS

Albert and Exzelia Bosselait, guests of Reps. Chambers and Cushing; Melissa Morin, President of Local 1400 of the Communications Workers of America, guest of Rep. Cushing.

SENATE MESSAGE CONCURRENCE

HB 295-FN, relative to the board of tax and land appeals.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 559, relative to drug testing of public employees, was removed at the request of Rep. Lozeau.

HB 404, establishing a road pay-back fee system, was removed at the request of Rep. Kinney.

HB 564, authorizing any city or town to issue revenue bonds, was removed at the request of Rep. West.

HB 574, requiring all commercial and private boats to be under the federal boat numbering system, was removed at the request of Rep. Dickinson.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

SB 208, adopting uniform commercial code article 2A - leases. Inexpedient to Legislate.

Senate Bill 208 is too complicated in its language to provide for understanding of modern leasing practices. Expert testimony from the Attorney General's Office indicated no real need for this legislation. Vote 16-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

HB 636-FN, relative to solid waste management. Inexpedient to Legislate.

Material covered in pending legislation. Vote 18-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 389, relative to postsecondary educational requirements for funeral directors. Inexpedient to Legislate.

The problem which prompted the submission of this bill has been eliminated by sale of the business to a properly-licensed funeral director in New Hampshire. Vote 15-0. Rep. William F. McCain for Executive Departments and Administration.

HB 429, allowing the commissioner of corrections to delegate authority in his absence to the assistant commissioner. Inexpedient to Legislate.

Part of this bill was handled in another manner and renders this bill inexpedient, with other housekeeping parts added to an omnibus bill before Judiciary. Vote 15-0. Rep. William F. McCain for Executive Departments and Administration.

HB 678-FN, relative to railroads. Inexpedient to Legislate.

The sponsor requested re-referral due to incomplete information available at time of hearings in the 1987 session. Subsequently, the sponsor's illness prevented any further work and he concurred with the inexpedient recommendation. Vote 15-0. Rep. William F. McCain for Executive Departments and Administration.

HB 684-FN, relative to benefits for part-time state employees. Refer for Interim Study.

This piece of legislation is a companion to HB 683. It is being referred for Interim Study to permit the Committee to gather additional data on the implementation of HB 683. Vote 16-0. Rep. Theodore J. Cusson for Executive Departments and Administration.

SB 224-FN, relative to licensing estheticians. Refer for Interim Study.

After two separate public hearings on this legislation the Committee developed some conflicting information which requires additional time to make a prudent recommendation to the House. Therefore, a 16-0 vote to refer for study. Rep. Theodore J. Cusson for Executive Departments and Administration.

HB 499, relative to return of recovered property. Ought to Pass with Amendment.

The purpose of this bill is to provide for restoring recovered property to rightful owners after it has been identified so as to make analyses and photographs admissible at trials, if the property itself is not available for that purpose. The amendment clarifies the purpose without making a major modification. Vote 13-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend RSA 595-A:6 as inserted by section 1 of the bill by replacing it with the following:

595-A:6 Seizure, Custody and Disposition of Articles; Exceptions.

I. If an officer in the execution of a search warrant, or by some other authorized method, finds property or articles he is empowered to take, he shall seize and safely keep them under the direction of the court or justice so long as necessary to permit them to be [produced or used] *photographed, identified or analyzed for use as evidence in any trial. After such photographs, identification, or analysis is made and provided that the rightful owner can be determined, any stolen, embezzled or fraudulently obtained property, or any other property of evidential value, not constituting contraband, upon notice to a defendant and hearing and except for good cause shown shall be promptly returned to its rightful owner.*

II. Upon application by a prosecutor, defendant, or civil claimants, the court, prior to trial or upon an appeal after trial, may *in cases where the ownership of recovered property is in dispute, determine the rightful owner* or upon notice to a defendant and hearing, *and except for good cause shown, order returned to [the] such* rightful owners any stolen, embezzled or fraudulently obtained property, or any other property of evidential value, not constituting contraband.

III. This section shall apply regardless of how possession of the property was obtained by the state. Photographs or other identification or analysis made of the returned property shall be admissible at trial as [secondary] *best evidence when supported by a proper foundation*, in lieu of the originals, for all relevant purposes, including ownership. In the case of unknown, unapprehended defendants, or defendants wilfully absent from the jurisdiction, the court shall have discretion to appoint a guardian and litem to represent the interest of such unknown or absent defendants. The judicial findings on such matters as ownership, identification, chain of possession or value made at such an evidentiary hearing for the restoration of property to the rightful owners shall thereafter be admissible at trial, to be considered with other evidence on the same issues, if any, as may be admitted before the finder of fact. All other property seized in execution of a search warrant or otherwise coming into the hands of the police shall be returned to the owner of the property, or shall be disposed of as the court or justice orders, which may include forfeiture and either sale or destruction as the public interest requires, in the discretion of the court or justice, and in accordance with due process of law. Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.

HB 594-FN, establishing a victims' assistance program and a victims' assistance fund. Ought to Pass with Amendment.

This bill would establish a victims' compensation fund to aid victims of violent crimes to meet reasonable out-of-pocket expenses, including counseling expenses, resulting directly from the crime. The fund would be created by imposition of assessments of \$15 for misdemeanors and \$20 for felonies in addition to any other fines. The program would be administered by the Department of Justice with the aid of an appointed commission. Vote 13-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a victims' compensation and assistance program
and victims' compensation and assistance fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Victims' Compensation and Assistance Fund Established. Amend RSA 6:12, I by inserting after subparagraph (w) the following new subparagraph:

(x) The assessments collected under RSA 651:2, II-f, which shall be credited to the victims' compensation and assistance fund until that fund exceeds \$2,000,000, at which time moneys in excess of \$2,000,000 shall revert to the general fund.

2 New Sections; Victims' Compensation and Assistance Program; Authorization, Administration and Functions. Amend RSA 21-M by inserting after section 8-b the following new sections:

21-M:8-c DWI and Crime Victims' Compensation and Assistance Program; Administration. There is established a victims' compensation and assistance program to be administered by the department of justice.

21-M:8-d Victims' Compensation and Assistance Commission.

I. A victims' compensation and assistance commission is hereby established to review and award victims' claims for compensation. The attorney general shall nominate not fewer than 5 nor more than 9 persons to serve as members of this commission. Appointments shall be effective when the nominations are approved by the governor and council.

II. The commission shall review claims from victims for compensation and make compensation awards from the victims' compensation and assistance fund.

21-M:8-e Claimant Eligibility; Compensation.

I. Victims of (a) a felony resulting in personal injury; or (b) injuries caused by persons driving under the influence of alcohol or controlled substances; are eligible for compensation. In case of the victim's death as a direct result of the crime, the victim's spouse, the parents of a victim who was a dependent child, or the victim's dependent children are eligible to claim compensation.

II. The claimant shall file a claim for compensation within 60 days of the crime, unless good cause is shown.

III. A claimant may not be deemed ineligible for compensation based solely upon failure to apprehend the offender, or based solely upon failure of the state to obtain a conviction against the offender, providing there is reasonable evidence to sustain the claim that a crime had been committed which resulted in injury to the victim.

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of

eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. Compensation shall not be paid to the accused, members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, except under exceptional circumstances "in the interest of justice"; or except where the victim is under the age of 17 years at the time of the offense and the crime committed was a violation of RSA 632-A.

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a \$5,000 ceiling on recovery per claimant per incident. If expenses paid through the victims' compensation and assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

21-M:8-f Victims' Compensation and Assistance Fund. The victims' compensation and assistance fund established by RSA 6:12, I(x) shall be administered by the department of justice as follows:

I. No more than 20 percent of available funds shall be for the administration of the victims' compensation and assistance program.

II. The remainder of available funds shall be for the compensation of crime victims.

3 New Paragraph; Additional Assessments on Misdemeanors and Felonies. Amend RSA 651:2 by inserting after paragraph II-e the following new paragraph:

II-f. Upon conviction of a misdemeanor or felony involving bodily injury to another person, the court shall, in addition to any other fines and restitution, order the offender to pay an additional assessment of \$15 for a misdemeanor and \$20 for a felony, unless the court determines that the offender is indigent. All such assessments shall be sent monthly by the court to the office of the state treasurer, where the collected funds shall be credited to the victims' compensation and assistance fund.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill creates a victims' compensation and assistance program to be administered by the department of justice. The bill establishes a victims' compensation and assistance commission, with not more than 9 members to be appointed by the attorney general, to review claims and make compensation awards from a victims' compensation and assistance fund. The victims' compensation and assistance fund is established as a special fund within the state treasurer's office and shall consist of court assessments upon convictions for certain misdemeanors or felonies.

This bill makes eligible for compensation victims of felonies resulting in personal injury or victims of injuries caused by persons driving under the influence. If the victim dies as a result of the crime, the victim's relatives may claim compensation. The claimant may be reimbursed up to \$5,000 for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, and lost wages.

Referred to Appropriations.

HB 285, relative to overtime work. Inexpedient to Legislate. This bill was filed for the benefit of employees of one company. The company has a union contract, and it was felt that it was better

suited as a subject for negotiations between the union and the company. Vote 14-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 17, relative to building codes in municipalities. Ought to Pass with Amendment.

This bill, as amended, permits the legislative body to set up procedures outlining building codes. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Local Building Code. RSA 674:51 is repealed and reenacted to read as follows:

674:51 Power to Enact Local Building Code.

I. The local legislative body may enact as an ordinance or amend, pursuant to the procedures of RSA 675:2-4, a local building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality.

II. The local building code shall include, at a minimum, the following provisions:

(a) The date of first enactment of any local building code in the municipality and of each subsequent amendment thereto;

(b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, II; and 673:5;

(c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III of this section, and to perform inspections as may be necessary to assure compliance with the local building code;

(d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III of this section.

III. The local building code may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such requirement.

2 Adoption of Building Code by Reference. RSA 674:52 is repealed and reenacted to read as follows:

674:52 Power to Adopt Building Codes by Reference.

I. As part of a local building code enacted or amended pursuant to RSA 674:51, a municipality may adopt, by reference, any or all of the following nationally-recognized codes or portions thereof:

(a) The BOCA National Building Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc.;

(b) The BOCA National Fire Protection Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc.

(c) The Life Safety Code, NFPA 101, as adopted by the National Fire Protection Association, Inc., and approved by the American National Standards Institute.

(d) The National Electric Code, ANSI/NFPA 70, as adopted by the National Fire Protection Association, Inc., and approved by the American National Standards Institute.

(e) The BOCA National Plumbing Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc.

(f) The BOCA National Mechanical Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc.

II. Adoption by reference of any provisions of any nationally recognized codes shall be deemed to include such provisions of other codes and standards as may be necessary for interpretation of and conformance to the code provisions adopted.

III. Whenever any national code or portion thereof is adopted by reference, the local building code shall include, in addition to the provisions listed in RSA 674:51, II:

(a) The full title, name of publisher, and the number and date of the applicable edition of each national code or supplement or amendment thereto that has been adopted by reference;

(b) A statement of any insertions in, deletions from, or exceptions to each national code; and

(c) A statement of any local provisions that may be different from or in addition to provisions of any national codes that have been adopted by reference.

IV. The provisions of this section shall not be construed to permit the adoption by reference of penalty clauses that may be part of any nationally recognized code, rules, or regulations. Penalties and remedies shall be as provided in RSA 676:15-17. Any provision of any national code adopted by reference that conflicts with the local building code, local zoning ordinance, or with state law, shall not apply.

V. The adoption of the provisions of any national code pursuant to this section shall not be deemed to limit the authority of the local fire authorities to enforce similar or identical provisions that have been adopted as part of the state fire code or as part of a local fire code.

VI. Any local building code enacted by a town that includes by reference all or part of any of the national codes in paragraph I of this section may also include a provision for simplified adoption of updates or revisions to such national codes, as follows:

(a) The building inspector, planning board, or their designee shall prepare an amendment to those portions of the local building code that refer to, or that make insertions in, deletions from, or exceptions to, the national codes. No amendment to the local building code except as may be necessary to effect the substitution of revised national codes or code provisions for codes or provisions previously adopted shall be adopted using the simplified procedure of this paragraph.

(b) The planning board shall hold a public hearing on the proposed update or revision, with notice as provided in RSA 675:7. Such notice shall include information stating where the proposed local building code amendment and the new or amended national codes or code provisions are available for public inspection.

(c) Following such hearing, the update or revision shall become final upon approval by the selectmen and recording with the town clerk.

3 Clarification of Fines and Penalties for Land Use Violations. RSA 676:17, I is repealed and reenacted as follows:

I. Any person who violates any local ordinance, code or regulation adopted under this title, or any planning board, zoning board of adjustment, or building code board of appeals decision made pursuant to this title:

(a) Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and

(b) Shall be subject to a civil penalty not to exceed \$100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice of such violation from the municipality, whichever is earlier. The provisions of this paragraph shall take precedence over any inconsistent local penalty provisions.

4 Existing Local Building Codes. Any local building code enacted or amended by a municipality before the effective date of this act in accordance with the laws in effect at the time of enactment or amendment shall remain in effect until it is amended or repealed. Any local building code enacted or amended by a municipality after the effective date of this act shall be in conformance with the provisions of RSA 674:51 and 674:52 as amended by this act.

5. Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill specifies minimum requirements which must be included in a local building code.

As amended, the bill expands the nationally recognized codes which a municipality may adopt by reference as part of the local building code to include: the National Electric Code, the National Plumbing Code, and the National Mechanical Code. As amended, the bill adds a simplified adoption procedure for amendments to local building codes for updates or revisions of the national codes adopted by reference.

As amended, the bill specifies that a violation of any planning board, zoning board of adjustment, or building code board of appeals decision made under the planning and zoning statutes shall also be subject to the fines and penalties provisions of RSA 676:17. Any person who violates a provision of the planning and zoning statutes is subject to both civil and criminal penalties.

BB 58, relative to membership on planning boards. Ought to Pass with Amendment.

This bill further clarifies the conflict of interest question both by the Committee and by the individual. Vote 18-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the disqualification of
local land use board members.

Amend the bill by replacing all after the enacting clause with the following:

1 Disqualifying Local Land Use Board Members. RSA 673:14 is repealed and reenacted to read as follows:

673:14 Disqualification of Member.

I. No member of a zoning board of adjustment, building code board of appeals, planning board or historic district commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

II. When uncertainty arises as to the application of paragraph I to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

III. If a member is disqualified or unable to act in any particular case pending before the board, the chairman shall designate an alternate to act in his place, as provided in RSA 673:11.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill prohibits members of local land use boards from participating in deciding or sitting upon any question which the board must decide in a judicial capacity if the member has a direct or pecuniary interest in the outcome which differs from the interest of other citizens. When the question arises of whether a conflict of interest exists, the board shall, upon the request of either the member involved or another member, take a non-binding advisory vote on whether the member should be disqualified.

HB 381-FN, relative to growth limitation. Ought to Pass with Amendment.

This legislation, in its final form, is the work of many individuals and the Committee feels it is very necessary at this time. Vote 18-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Growth Limitations. Amend RSA 674:22 by inserting after section 22 the following new section:

674:22-a Additional Requirements for Timing Limitations on Residential Growth.

I. Any timing limitation on residential growth may be adopted only after the planning board makes findings, based on evidence and recorded in its records, that:

- (a) Services are inadequate to meet the needs of the municipality in the light of estimated present or anticipated development;
- (b) The enactment of the growth limitation ordinance is necessary to insure the orderly and economical development of the municipality; or

(c) Both (a) and (b).

II. The ordinance shall contain provisions for expiration of the limitations which shall either be a stated calendar date or upon completion of a reasonable course of action requisite to the orderly and economical development of the community. If the timing limitation is based solely on a study project or projects, the limitation may not extend for more than 18 calendar months.

III. Any timing limitation which includes restrictions on building permits shall be based on a percentage rate of growth. If the moratorium extends for more than one year, the number of building permits allocated after the first year shall also include the cumulative effect of the growth during the period in which the timing limitation is in effect.

IV. The timing limitation shall not be less than the average rate of growth for the region, which shall be defined as a weighted average of the actual rates of growth for the municipality and the cities and towns which abut it during the 5 years immediately preceding the first public hearing on the proposed ordinance, unless the planning board can show by findings of fact that a weighted average is not the appropriate standard and that some other measure is more appropriate to that community.

V. Not later than July 1 following the date on which a growth management ordinance is enacted, the municipality shall furnish a copy of the ordinance to the office of state planning and to the appropriate regional planning commission.

VI. Municipalities may enact partial growth moratoriums:

(a) In the event that only a portion of a municipality is considered to have inadequate services or potentially inadequate services or is threatened by potentially uneconomical or disorderly growth. In order to re-direct growth from that sector, a municipality may elect to impose growth management limitations on the affected portion of the municipality only.

(b) If, after the planning board determines by findings of fact that overriding considerations of public welfare require such action, a municipality may elect to exempt affordable housing or housing for the elderly, or both, in specified districts of the municipality from the growth management limitations.

VII. The growth management ordinance shall set forth a reasonable course of action directed at alleviating the conditions which gave rise to the enactment of the ordinance.

VIII. Any ordinance adopted under this section shall not apply to, or otherwise affect, plats vested under the provisions of RSA 674:39 and RSA 676:12, V.

IX. Nothing in RSA 674:22, 22-a, or 23 shall be construed to diminish the planning board's authority under this title to disapprove site plans or subdivisions which would constitute scattered and premature development or which would necessitate an excessive expenditure of public funds, nor shall the absence of a growth management ordinance affect the planning board's authority to consider the issues specified in RSA 674:36 and 44, even when such consideration has an incidental effect on population growth and density.

2 Effect on Existing Ordinances. All existing growth timing limitations which do not conform to this act shall expire on July 1, 1989, unless reenacted to conform to the provisions of this act.

3 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

As amended, this bill prohibits the adoption of a residential growth timing limitation ordinance unless the planning board finds services are inadequate to meet municipal needs, or that enactment of the growth

limitation ordinance is necessary to insure orderly and economical development, or both.

The ordinance must contain a provision for expiration of the growth limitations which is either a stated calendar date or upon the completion of a reasonable course of action requisite to the orderly and economical development of the community. In most circumstances, restrictions on building permits must be based on a percentage rate of growth in the region for the preceding 5 years.

Municipalities may enact partial growth moratoriums under certain circumstances.

All existing growth timing limitations must conform to the bill by July 1, 1989.

HB 472, relative to the siting of manufactured housing.
Inexpedient to Legislate.

The Committee feels that the legislation now in place should be given the opportunity to function. Vote 18-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 502, delegating site plan review powers to special site review committees. Ought to Pass with Amendment.

The Committee feels that a special site review committee would be advantageous. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Special Site Review Committee. Amend RSA 674:43 by inserting after paragraph II the following new paragraph:

III. The local legislative body of a municipality may by ordinance or resolution authorize the planning board to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the planning board from the departments of public works, engineering, community development, planning, or other similar departments in the municipality. The local legislative body may further stipulate that the committee members be residents of the municipality. This special site review committee may have final authority to approve or disapprove site plans reviewed by it, unless the local legislative body deems that final approval shall rest with the planning board, provided that he decision of the committee may be appealed to the full planning board so long as notice of appeal is filed within 20 days of the committee's decision. All provisions of RSA 676:4 shall apply to actions of the special site review committee, except that such a committee shall act to approve or disapprove within 60 days after submissions of applications, subject to extension or waiver as provided in RSA 676:4, I(f). If a municipality creates a site review committee in accordance with this paragraph, the planning board shall also adopt regulations specifying application, acceptance and approval procedures and defining what size and kind of site plans may be reviewed by the site review committee.

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AMENDED ANALYSIS

This bill enables the local legislative body of a municipality to authorize the planning board, by ordinance or resolution, to delegate its site review powers and duties in regard to minor site plans to a

committee of technically qualified officials chosen by the planning board. If a municipality creates a site review committee, the planning board shall also adopt regulations specifying application, acceptance and approval procedures and defining what size and kind of site plans may be reviewed by the site review committee.

HB 531-FN, establishing a Portsmouth fire commission. Inexpedient to Legislate.

This legislation was taken care of locally by the sponsor. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 549-FN, enabling cities and towns to establish land banks. Refer for Interim Study.

Because of the intent of this bill, the Committee feels further study is necessary. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 560-FN, authorizing municipalities to collect 13 months of taxes for each 12 month fiscal year. Inexpedient to Legislate.

The Committee feels this is neither the time nor the place to enact such legislation. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 566-FN, relative to the time for making property tax assessments. Inexpedient to Legislate.

The Committee did not feel that this was the time or opportunity to enact such legislation. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

SB 147, relative to surety bonds. Ought to Pass with Amendment. This bill will enable the cities and towns to raise money as they vote necessary. Vote 17-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Adjustments in Form of Acceptable Security. Amend RSA 674:36, III(b) to read as follows:

(b) Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the subdivision regulations; *provided that in no event shall the exclusive form of security required by the planning board be in the form of cash or a passbook. As phases or portions of the secured improvements or installations are completed and approved by the planning board or its designee, the municipality shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations. Cost escalation factors that are applied by the planning board to any bond or other security required under this section shall not exceed 10 percent per year. The planning board shall, within the limitations provided in this subparagraph, have the discretion to prescribe the type and amount of [the bond or other] security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of*

such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, prohibits a planning board from requiring a subdivision developer to use a passbook or cash as the sole form of surety for the performance of subdivision construction and installation of improvements and utilities. It also provides for the partial release of a developer's performance bonds as work is completed and approved by the planning board. The planning board is prohibited from applying cost escalation factors greater than 10 percent per year to such performance bonds.

HB 343-FN-A, relative to the mooring of boats on the lakes and ponds in the state and making an appropriation therefor. Inexpedient to Legislate.

Several members of the Committee took an extensive tour of Lake Winnepesaukee on a midsummer Saturday to review firsthand the boating problems on that lake - including moorings. In addition, members of the Subcommittee on HB 343 communicated closely through the summer and fall with the Offices of State Planning and Safety Services as these agencies worked to develop rules for the mooring legislation enacted in 1987. A task force representing various lake users is being utilized in that process. It is agreed by all concerned that the current law on moorings does embody workable and effective measures for controlling mooring problems and providing public access to moorings. Further, the sense is unanimous that it would be inappropriate and counterproductive to make any changes in the laws pertaining to moorings until the current law has benefited from a trial period of at least one summer (1988). Evaluation during the 1988 boating season will provide a sound basis for determining whether additional legislation is needed. Vote 17-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

HB 395, relative to horsepower of motors used on Glen Lake in the town of Coffstown. Ought to Pass with Amendment.

With boat registrations climbing sharply, awareness of state Boating Safety Laws is essential. This bill requires each boat registrant to receive a copy of an informative publication from the Department of Safety highlighting key boating safety laws. Vote 10-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the division of safety services, department of safety,
to issue a copy of the state's safe boating publication.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Boating Safety Publication to be Issued. Amend RSA 270 by inserting after section 3 the following new section:

270:3-a Boating Safety Publication Issued to Boat Registrants. The commissioner of safety or his agents shall issue to every person registering a boat for use on the public waters of the state the safe boating publication which is published by the division of safety services, department of safety. This publication shall be issued at no charge to the registrant of the boat.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill requires the commissioner of safety to issue the boat safety publication to each registrant of a boat in the state. This publication shall be issued at no charge to the registrant.

Referred to Appropriations.

COMMITTEE REPORTS (Regular Calendar)

HB 587-FN, relative to possession of marijuana. Refer for Interim Study.

The Committee felt, with the pending legislation proposed by the Attorney General that may conflict with this bill, that it was better to allow for all of the issues to be worked out. Vote 11-2. Rep. Ann J. Bourque for Children, Youth and Elderly Affairs.

Report adopted.

HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor. Ought to Pass with Amendment.

This bill provides that the condemnee shall have first option to purchase any property condemned by eminent domain if the condemnor abandons the property after ten years. The condemnee shall pay the current appraised property value including any improvements at the time the property is abandoned by the condemnor and offered for sale. Vote 12-4. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 498-A:12 as inserted by section 1 of the bill by replacing it with the following:

498-A:12 Abandonment of Project.

I. If a condemnor has condemned a fee and thereafter abandons the purpose for which the property has been condemned, the condemnor may dispose of it by sale or otherwise; provided, however, that if the property has not been substantially improved, it may not be disposed of within [3] 10 years of condemnation without first being offered to the condemnee at the same price paid to the condemnee by the condemnor. The condemnee shall be served with notice of the offer in the same manner as prescribed for the service of notices in RSA 498-A:4, and shall have 90 days after receipt of such notice to make the written acceptance thereof.

II. If a condemnor has condemned a fee and thereafter abandons the property, after the purpose is served for which the property was condemned, or abandons the property for any reason within 10 years of condemnation, the property may not be disposed of without first being offered to the condemnee at a price equal to the current appraised value of the property including any improvements made thereon. The condemnee shall be served notice pursuant to RSA 498-A:12, I.

AMENDED ANALYSIS

This bill provides that the condemnee shall have first option to purchase property taken by eminent domain, if the condemnor abandons any property within a 10 year period.

The condemnee shall pay the current appraised property value including any improvements at the time the property is abandoned by condemnor and offered for sale.

Amendment adopted.

Ordered to third reading.

HB 409, requiring a grace period on finance charges imposed on credit card purchases. Refer for Interim Study.

The Committee recommends that HB 409 be referred for interim study. The sponsor agrees that there is no compelling reason to support HB 409 as written, or that it could be appropriately placed in the RSAs. The 14-page amendment, submitted by the sponsor as a substitute after the October 1, 1987 deadline for new bills, is of such magnitude and is written to establish new RSAs pertaining to a multitude of credit card legislative issues. The sponsor agrees that the amendment is inappropriate to be resolved as a re-referral bill and that Inexpedient to Legislate or Interim Study is the course to pursue. The Committee intends to conduct a thorough study of these issues in 1988. Vote 8-7. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 680-FN, prohibiting certain computer telephone calls to residences. Refer for Interim Study.

The bill answers a real need, but poses problems of control and regulation - not to mention constitutionality. Hopefully, these problems can be solved in interim study by broadening the focus of the bill. Vote 13-1. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Report adopted.

SB 2, mandating health insurance for alcoholism and drug dependency treatment. Refer for Interim Study.

The Committee feels this is a very important matter. After a number of hearings and much research, it found that the insurance providers seem to be addressing the problems and providing insurance coverage or are in the process of realigning their contracts to include some very shortly.

The Committee consensus was not to mandate unnecessarily, but would like to keep an eye on what happens. To enable the Committee to come back in the next session, if necessary, Interim Study is recommended. Vote 13-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 207-FN, prohibiting the transfer of a permit to operate a solid or hazardous waste disposal site without a public hearing. Ought to Pass with Amendment.

As the Committee promised the House, this bill as amended, combines the original HB 207 and House Bills 64 and 223. As amended, HB 207 states that no solid or hazardous waste permits be transferred

without the written approval of the Division of Waste Management. It also requires that abutters be notified of any solid or hazardous waste applications or transfers. In addition, the cost for any permit or transfer investigation shall be borne by the applicant. The bill also specifies strict guidelines for disclosure of ownership on permit applications for both solid and hazardous waste sites. Vote 16-0. Rep. Mary J. Shriver for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the siting and permitting of solid and hazardous waste disposal facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Abutters; Solid Waste Management. Amend RSA 149-M:1 by inserting after paragraph I-a the following new paragraph:

I-b. "Abutter" means any person who owns property adjacent to, or across a road, railroad, or stream from the property on which a solid waste facility will be permitted.

2 New Paragraph; Abutter; Hazardous Waste Management. Amend RSA 147-A:2 by inserting after paragraph I the following new paragraph:

I-a. "Abutter" means any person who owns property adjacent to, or across a road, railroad, or stream from the property on which a hazardous waste facility will be permitted.

3 Permit Application Investigations; Cost to Applicant. Amend RSA 149-M:10, II to read as follows:

II. Applications for permits shall be upon such forms and shall include such information as the division of waste management requires by rules adopted under RSA 149-M:8. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the division of waste management, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the division of waste management. The applicant shall also submit a statement that the proposed facility is consistent with the provisions of a district plan. *The cost of any investigation under this paragraph shall be borne by the applicant.*

4 Permit Application Investigations; Cost to Applicant. Amend RSA 147-A:4, II-c to read as follows:

II-c. Applications for permits shall be upon such forms and shall include such information as the division of waste management requires by rules adopted under RSA 147-A:3. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the division of waste management, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its

officers and directors, if any, and make a report to the division of waste management. *The cost of any investigation under this paragraph shall be borne by the applicant.*

5 Permit Denial; Solid Waste Facility. Amend RSA 149-M:10, V-a(a) to read as follows:

(a) The person fails to demonstrate sufficient reliability, expertise, integrity and competence to operate a [hazardous] solid waste facility.

6 New Paragraph; Transfer of Solid Waste Permit; Written Permission Required. Amend RSA 149-M:10 by inserting after paragraph VII the following new paragraph:

VIII. No permit issued by the division of waste management under this section shall be transferred by the permittee to any other person without the prior written approval of the division of waste management.

(a) Applications for the transfer of permits shall be filed by the person to whom such permit is to be transferred upon such forms and shall include such information as the division of waste management requires by rules adopted under RSA 149-M:8. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the division of waste management, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the division of waste management. The applicant shall also submit a statement that the proposed facility is consistent with the provisions of a district plan. The cost of any investigation under this paragraph shall be borne by the applicant.

(b) The applicant shall notify abutters of any application to transfer a permit under this section. The division shall receive written comments from abutters on such application for a period of 30 days following notification of the filing of the application. The division, at the discretion of the director, shall hold a public hearing no later than 30 days prior to making any final decision on an application to transfer a permit under this section. Notice of such public hearing shall be published in a newspaper of local circulation within the region of the public or private solid waste facility at least 2 weeks prior to such public hearing.

7 Transfer of Hazardous Waste Disposal Permit; Public Hearing Required. Amend RSA 147-A:4, IV-a to read as follows:

IV-a. [Any] No permit issued by the division of waste management under this section shall [not] be transferred by the permittee to any person without the prior written approval of the division of waste management. *Applications for the transfer of permits shall be upon such forms and shall include such information as the division of waste management requires by rules adopted under RSA 147-A:3, IX. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the division of waste management, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the division of waste management. The applicant shall also submit a statement that the proposed facility is consistent with the*

provisions of a district plan. The cost of any investigation under this paragraph shall be borne by the applicant. The division of waste management shall hold a public hearing no later than 30 days prior to making any final decision on an application to transfer a permit issued under this section. Notice of such public hearing shall be published in a newspaper of local circulation within the region of the public or private hazardous waste facility at least 2 weeks prior to such public hearing. The applicant shall notify abutters of the request for transfer of a permit under this section.

8 Hazardous Waste Facility Siting; Public Hearings; Notification of Abutters. Amend RSA 147-C:4, II to read as follows:

II. The committee shall hold public hearings regarding the proposed facility. The committee shall provide notice of the public hearings by publication in at least one newspaper of general circulation in the community at least 2 weeks prior to the public hearing. The committee shall notify individuals owning property which abuts the proposed facility site of the public hearing in writing by certified mail, return receipt requested.

9 Solid Waste Facility Siting; Public Hearings; Notification of Abutters. Amend RSA 149-M:10, V to read as follows:

V. The division of waste management shall act upon each permit application within a reasonable period of time. Prior to such action, the division of waste management shall provide notice of the application by publication in at least one newspaper of general circulation in the community and an opportunity for hearing to interested persons. The applicant shall notify abutters of the public hearing in writing by certified mail, return receipt requested. The requirement of public notice and hearing [shall] need not apply to facilities or activities that will have an insignificant effect on environmental quality as defined by rule under RSA 149-M:8.

10 New Section; Hazardous Waste; Disclosure of Ownership. Amend RSA 147-A by inserting after section 4-a the following new section:

147-A:4-b Disclosure of Ownership. Any application for a permit under RSA 147-A:4 shall be signed under oath by a representative of the applicant and shall contain the following information:

I. Name and address of applicant.

II. If the applicant is a corporation, the state of incorporation, the address of its principal place of business, and the names and addresses of its directors, officers, and shareholders; if the applicant is a partnership, the state of formation, the address of its principal place of business, and the names and addresses of its partners, whether general or limited; and if the applicant is any other kind of association, the state of formation, the address of its principal place of business, and the names and addresses of its members or participants.

III. The exact location where the applicant intends to conduct the business for which it is seeking the permit.

IV. Such financial information as the division may require by rules adopted under RSA 147-A:3.

11 New Section; Solid Waste; Disclosure of Ownership. Amend RSA 149-M by inserting after section 10 the following new section:

149-M:10-a Disclosure of Ownership. Any application for a permit under RSA 149-M:10 shall be signed under oath by a representative of the applicant and shall contain the following information:

I. Name and address of the applicant.

II. If the applicant is a corporation, the state of incorporation, the address of its principal place of business, and the names and addresses of its directors, officers, and shareholders; if the

applicant is a partnership, the state of formation, the address of its principal place of business, and the names and addresses of its partners, whether general or limited; and if the applicant is any other kind of association, the state of formation, the address of its principal place of business, and the names and addresses of its members or participants.

III. The exact location where the applicant intends to conduct the business for which it is seeking the permit.

IV. Such financial information as the division may require under RSA 149-M:3.

12 Rulemaking; Hazardous Waste Management. Amend RSA 147-A:3, IX to read as follows:

IX. The terms and conditions under which the office shall issue, modify, suspend, revoke, [or] deny, *or approve the transfer of* permits required by this chapter. Actions by the division of waste management may include, but are not limited to, monitoring, contingency plans, closure, and evidence of financial responsibility.

13 Rulemaking; Solid Waste Disposal; Transfer of Permits. Amend RSA 149-M:8, IV(c) to read as follows:

(c) Administration of permit systems, including the terms and conditions under which the division of waste management shall issue, modify, suspend, revoke, [or] deny, *or approve the transfer of* permits required by this chapter. Actions by the division of waste management may include, but are not limited to, monitoring, contingency plans, closure, and evidence of financial responsibility;

14 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, requires the division of waste management to hold a public hearing on any application to transfer the permit to operate a hazardous or solid waste disposal facility. The bill, as amended, requires at least 2 weeks' notice of the public hearing.

The bill, as amended, also requires direct notification of certain persons of applications for solid waste disposal facility siting permits, transfers of such permits, and of public hearings on the location of solid and hazardous waste disposal sites.

The bill, as amended, requires corporations applying for hazardous waste operator or solid waste facility operator, construction, storage, or transportation permits to fully disclose the ownership of the corporation.

Amendment adopted.

Ordered to third reading.

Hearing no objection, the Speaker placed the report on HB 324, establishing a state land use and development plan and making an appropriation therefor, at the end of the day's Regular Calendar.

HB 648-FN, relative to municipal hazardous waste disposal responsibilities and liabilities. Ought to Pass with Amendment.

This bill has been amended to set up a Municipal Waste Site Study Committee. Vote 19-0. Rep. Bonnie L. McCann for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

creating a political subdivision waste disposal financial relief study committee and changing a statutory reference in the hazardous waste laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Political Subdivision Waste Disposal Sites; Study Committee Established; Compensation.

I. There is established a political subdivision disposal site financial relief study committee to study the following:

(a) The feasibility and appropriateness of either temporary or permanent state technical or financial assistance to municipalities and other political subdivisions which presently or previously owned or operated any waste disposal site which may subject the municipality or political subdivision to liability under RSA 147-B.

(b) If such state assistance is deemed appropriate, the potential funding mechanisms and funding sources, and reimbursement of state funds expended for that purpose, and recommendations for legislation.

II. The study committee shall consist of:

(a) Two members of the house environment and agriculture committee, appointed by the speaker of the house.

(b) Three members of the general public, one of whom shall represent New Hampshire towns and political subdivisions, appointed by the speaker of the house.

(c) Two members of the senate development, recreation, and environment committee, appointed by the president of the senate.

(d) A representative of the division of waste management, department of environmental services, appointed by the commissioner of environmental services.

(e) A representative of the division of water supply and pollution control, department of environmental services, appointed by the commissioner of environmental services.

III. The study committee shall elect one of its members as chair of the committee.

2 Compensation. The legislative members of the committee shall receive mileage at the legislative rate, and the agency representatives shall receive mileage at the state employee rate for expenses incurred in the performance of duties connected with study committee functions.

3 Report. The study committee shall report its findings and recommendations to the president of the senate and the speaker of the house of representatives on or before September 1, 1988.

4 Hazardous Waste; Strict Liability; Right of Recovery Against Third Persons. Amend RSA 147-B:10, III(b) to read as follows:

(b) Notwithstanding the rights of the state under subparagraph (a) above, any [private party] *person* who has expended funds to remedy environmental damage may also bring an action in the superior court for the county in which the facility is located against any person who may be liable for such damage pursuant to paragraph I of this section. Such [private party's] *person's* right to contribution shall be limited to expenditures which are incurred for the purposes described in paragraph II of this section and which are consistent with the laws and rules of the state of New Hampshire. A [private party's] *person's* right to recovery under this section shall not be barred by the fact that the party bringing the action is itself liable to the state under this section.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a study committee to examine potential state financial and technical assistance to municipalities and political subdivisions which face potential liability as present or past owners or operators of hazardous waste disposal sites. The committee is to study possible funding sources and mechanisms for providing funds for this purpose. The committee is to be composed of 2 members of the house environment and agriculture committee, appointed by the speaker of the house; 3 public members, one representing municipalities and political subdivisions, also appointed by the speaker of the house; 2 members of the senate development, recreation, and environment committee, appointed by the president of the senate; and one representative each of the divisions of waste management and water supply and pollution control, appointed by the commissioner of environmental services. The committee is to report its findings and recommendations to the president of the senate and the speaker of the house by September 1, 1988.

The bill also changes a reference in the hazardous waste strict liability statute relative to persons who may bring actions to recover funds spent in remedial cleanup measures.

Amendment adopted.

Ordered to third reading.

HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses. Ought to Pass with Amendment. The bill would permit administrative seizure of property (except for real estate) knowingly used in felonious violation of drug laws, in cases where the amount of property to be seized is \$50,000 or less. Court authorization still would be required for seizure of larger amounts of property and funds obtained would be distributed as follows: 45% to the local law enforcement agency; 45% to the drug forfeiture fund administered by the Department of Justice; 10% to the Office of Alcohol and Drug Abuse. Vote 15-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend RSA 318-B:17-d, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) Any moneys in the amount of \$50,000 or less knowingly used or intended for use in the procurement, manufacture, compounding, processing, delivery, or distribution of a controlled drug in felonious violation of this chapter.

(b) A property interest in any conveyance, including aircraft, vehicles, or vessels, which is knowingly used or intended for use in the manufacturing, compounding, processing, concealing, trafficking, delivery, or distribution of a controlled drug in felonious violation of this chapter.

Amend RSA 318-B:17-d as inserted by section 1 of the bill by replacing all after paragraph II with the following:

III. Upon the seizure of any items or property interests under paragraph I, the property shall not be subject to sequestration or attachment but is deemed to be in the custody of the law enforcement agency making the seizure, subject only to the order of the court. The seizing agency shall, as soon as practicable, but in any event within 10 days of the seizure, provide written notice of the seizure to all parties known to have an interest in the seized property. Pending forfeiture and final disposition, the law enforcement agency making the seizure may:

- (a) Place the property under seal;
- (b) Remove the property to a storage area for safekeeping;
- (c) Remove the property to a place designated by the

court; or

(d) Request another agency to take custody of the property and remove it to an appropriate location within the state.

IV. As soon as practicable after seizure, the seizing agency shall conduct an inventory upon and cause an appraisal to be made of the property seized. The seizing agency shall promptly send to the attorney general a written request for forfeiture, which shall include a statement of all facts and circumstances including the names of all witnesses then known and the appraised value of the property.

V. The attorney general shall immediately examine the facts and applicable law of the cases referred to him pursuant to this section, and if it is probable that the property is subject to forfeiture, the attorney general shall cause the initiation of administrative or judicial proceedings against the property. If upon inquiry and examination, the attorney general determines that such proceedings probably cannot be sustained or that the ends of justice do not require the institution of such proceedings, he shall make a written report of such findings and send a copy to the seizing agency, and, if appropriate, shall also authorize the release of the property.

VI. The attorney general may administratively forfeit property seized under paragraph I as follows:

(a) The attorney general shall provide notice of intention to forfeit property administratively by publication in a local newspaper of general circulation for 3 consecutive weeks.

(b) In addition, to the extent practicable, the attorney general shall provide notice by registered mail of intent to forfeit the property administratively to all known interested parties and all parties whose identity is reasonably subject to discovery who may have an interest in the property seized.

(c) Notice by publication and by mail shall include:

- (1) A description of the property;
- (2) Its appraised value;
- (3) The date and place of seizure;
- (4) The violation of law alleged against the subject property;

(5) Instructions for filing a claim and posting bond or filing a petition for remission or mitigation; and

(6) Notice that the property will be forfeited to the state if a petition for remission or mitigation has not been filed in timely manner or a claim has not been filed and bond has not been posted in a timely manner.

(d) Persons claiming an interest in the property may file petitions for remission or mitigation of forfeiture or file a claim and post bond with the attorney general within 30 days of the first notice by publication or 30 days from the receipt of written notice, whichever is later.

(e) It shall be the duty of the attorney general to inquire into the facts and circumstances surrounding petitions for remission or mitigation of forfeiture.

(f) The attorney general shall provide the seizing agency and the petitioner a written decision on each petition for remission or mitigation within 60 days of receipt of such petition unless the circumstances of the case require additional time in which case the attorney general shall notify the petitioner in writing and with specificity within the 60 day period that the circumstances of the case require additional time, and further notify the petitioner of the expected decision date.

(g) Any person claiming an interest in seized property may institute judicial review of the seizure and proposed forfeiture by timely filing with the attorney general a claim and bond to the state in the amount of 10 percent of the appraised value or in the penal sum of \$2,500, whichever is greater, with sureties to be approved by the attorney general, upon condition that in the case of forfeiture the claimant shall pay all costs and expenses of the proceedings at the discretion of the court. Upon receipt of the claim and bond, or, if he otherwise so elects, the attorney general shall file with the court a petition in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. All judicial proceedings thereafter shall be conducted in accordance with the provisions of RSA 318-B:17-b, IV. Any bonds received by the attorney general shall be held by him pending final disposition of the case.

(h) If no petitions or claims with bonds are timely filed, the attorney general shall prepare a written declaration of forfeiture of the subject property to the state and dispose of the property in accordance with this section and the attorney general's regulations, if any, relative to this section.

(i) If the petition is denied, the attorney general shall prepare a written declaration of forfeiture to the state and dispose of the property in accordance with this section and the attorney general's regulations, if any, relative to this section.

(j) A written declaration of forfeiture signed by the attorney general pursuant to this chapter shall be deemed good and sufficient title to the forfeited property.

VII. Final orders shall be implemented by the attorney general and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The attorney general shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any public auction of forfeited items. All outstanding recorded liens on said items or property interests shall be paid in full by the state unless it is proved by a preponderance of the evidence that the lien holder knew or should have known that the controller of the items or property interests at the time of seizure was committing a felonious violation of this chapter. Any remaining proceeds of the forfeiture shall be divided in the following manner:

(a) Forty-five percent of the proceeds shall be returned to the fiscal officer of the law enforcement agency or agencies actually implementing the seizure, to be used for purposes of drug investigations.

(b) Forty-five percent of the proceeds shall be paid to the revolving drug forfeiture fund established under RSA 318-B:17-c.

(c) Ten percent of the proceeds shall be paid to the office of alcohol and drug abuse prevention.

AMENDED ANALYSIS

This bill, as amended, permits the attorney general to direct law enforcement officials to seize certain items and property interests used in connection with drug offenses, without first petitioning the court for an attachment order.

Under this bill, the attorney general must publish notice of the seizure and the procedure for filing a claim and posting bond for the property or for filing a petition for remission or mitigation. The attorney general shall provide written decisions on claims for remission and mitigation. Persons claiming an interest in the property have the right to judicial review. If the seizure is uncontested or is contested

but the court decides in favor of the state, the items or property interests seized are forfeited to the state. Any moneys forfeited and the proceeds from items and property interests disposed of by sale shall be divided as follows:

(a) Forty-five percent shall be paid to the law enforcement agency or agencies who seized the items or property interests.

(b) Forty-five percent shall be paid to the drug forfeiture fund administered by the department of justice.

(c) Ten percent shall be paid to the office of alcohol and drug abuse prevention.

Amendment adopted.

Referred to Appropriations.

HB 533-FN, relative to eligibility for unemployment benefits.

Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority felt there were problems with the bill among which it was poorly written, and had some constitutional questions. The Commissioner indicated "it would be almost impossible to administer."

In other states where there are some payments to people seeking part-time work, they originated from court cases addressing specific situations.

The members of the majority felt in times of high unemployment the bill would help to rapidly deplete the fund as well as be a large expense to cities and towns because of their large number of part-time employees. Vote 9-4. Rep. Avis B. Nichols for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The minority, unable to agree with the 9-4 majority of Inexpedient to Legislate, recommends that the bill Ought to Pass. HB 533 is narrowly drawn to provide that an individual with a handicap or medical restrictions, or who must care for family members, or who is over 62, shall be eligible for unemployment benefits while looking for part-time work. Such benefits are available to people in other states, and New Hampshire has an obligation to be sensitive to the needs of the elderly, handicapped and families when establishing coverage for unemployment insurance. Rep. Robert R. Cushing for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Cushing moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Turner spoke against the motion.

Reps. Kenneth MacDonald and Nichols spoke against the motion and yielded to questions.

Rep. Chambers spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 127 NAYS 213
YEAS 127

BELKNAP: Golden, Maviglio and Lawrence Richardson.

CHESHIRE: Cole, Corrigan, Daschbach, Doucette, Frink, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Kilbride, Mayhew, Oleson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Densmore, Lougee and Stewart.

HILLSBOROUGH: Ahern, Baker, Baldizar, Bourque, Buckley, Burkush, Champagne, Copenhaver, Cusson, William Dion, Dube, Dupont, Durant, Dykstra, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Marian Harrington, Healy, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Lanzara, Long, McGlynn, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Pignatelli, Reardon, Reidy, Routhier, Leonard Smith, Soucy, Sullivan, Turgeon and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Fillion, Douglas Hall, Hess, Burton Knight, Pantzer, Trombly, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Butler, Eunice Campbell, Carpenito, Cressy, Cushing, Drake, Elizabeth Greene, Hynes, Joyce, Lovejoy, Magoon, McGovern, Merchant, Nagel, Pantelakos, Popov, Read, Ritzo, Sanderson, Splaine, Tilton, Vaughn and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Frechette, Frew, Jean, Sandra Keans, Kincaid, Lachance, Martling, William McCann, McManus, Parks, Pelley, Francis Robinson, Spear and Wall.

SULLIVAN: Brodeur, D'Amante, Ingram, Krueger, McKee and Normandin.

NAYS 213

BELKNAP: Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Jesse Davis, Delano, Foster, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry and Sawyer.

COOS: Brady, Brungot, Harold Burns, Guay, Horton, Marsh, Nelson and Purrington.

GRAFTON: Adams, Bean, Bennett, Christy, Dearborn, Driscoll, Hammond, LaMott, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Bass, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Chretien, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Drolet, Fields, Nancy Ford, Granger, Grip, Hatch, Holden, Humphrey, Keefe, Robert Kelley, Alice Knight, Lefebvre, Levesque, Lown, Lozeau, Magee, Mason, Bonnie McCann, McRae, Messier, Moore, Packard, Paquette, Pariseau, Perham, Prestipino, Rodgers, Sallada, Shriver, Steiner, Stiles, Stonner, Tarpley, Vanderlosk, Wagner, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Phelps, Philbrick, Provencal, Rehlander, Doris Riley, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, William Boucher, Buco, Lawrence A. Chase, Jr., Conroy, Cooke, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin,

Gourdeau, Haynes, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Pevear, Schmidtchen, Schwaner, Scott, Seward, Skinner, Sochalski, Sytek, Tufts, Vartanian, Walker, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kinney, Koromilas, Lussier, Swope, Ann Torr and Wilson.

SULLIVAN: Behrens, Cutting, Flint, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.
Resolution adopted.

HB 577-FN, relative to employee leaves of absence for reserve training and public service. Inexpedient to Legislate.
Different members of the Committee felt that different portions of this bill were worthy of consideration, but most agreed that this was not the vehicle. Vote 10-1. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 620-FN, relative to workers' compensation. Refer for Interim Study.

House Bill 620 was one of the three bills on approximately the same subject. A proposal was to make one bill out of the three with HB 620 as the vehicle. However, in the light of major opposition from one section of the economy, and a recent decision by the Supreme Court, the majority felt that further study, with the possibility of total agreement, was the wisest choice. Vote 7-5. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Report adopted.

HB 622-FN, relative to actions against fellow employees. Inexpedient to Legislate.

House Bill 622 was a second bill with similarities to HB 620. Since HB 620 provided the vehicle for interim study, there was not need for this one. Vote 7-3. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 628-FN, providing tax incentives for New Hampshire business organizations. Inexpedient to Legislate.

This bill would provide a credit against the Business Profits Tax equal to the yearly percentage increase in sales. While it would benefit any business with increasing sales, it was designed to help rapidly growing businesses the most. The Committee was unable to establish that any specific benefits to the State would exceed the \$1.9 to \$7.8 million estimated revenue loss for fiscal 1989 alone. The Committee believes that other ways to improve the general business climate in the State will benefit all businesses more fairly. Vote 15-0. Rep. Neal M. Kurk for Ways and Means

Resolution adopted.

HB 324-FN-A, establishing a state land use and development plan and making an appropriation therefor. Ought to Pass with Amendment.

The Committee feels there is strong support for the concept of this bill, especially in the area of controls and of making help available to towns in solving their growth problems. These are the things that are difficult for towns to handle adequately and properly. Vote 15-1. Rep. Eizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing for designation and control of critical resource areas
and the development of areas of regional impact and
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose and General Policy.

I. The general court hereby declares that in order to facilitate orderly and well planned development, to maintain the quality of life, and to promote the health, safety and general welfare of the citizens of the state, it is necessary to assist municipalities in making sound land use decisions and to establish procedures to guide and coordinate local decisions relating to growth and development which significantly affect more than one community.

II. To the maximum possible extent, land use plans and policies should be implemented by local governments through existing processes for the guidance of growth and development. All the existing rights of private property shall be preserved in accordance with the laws and constitutions of New Hampshire and of the United States.

III. A municipality should regulate any development having a strictly local impact, but any development which will have significant and tangible influence and impact beyond the boundaries of a single municipality shall be considered to be of regional and statewide interest and shall be subject to the provisions of RSA 678.

2 New Chapter; Land Use Control Procedures. Amend RSA by inserting after chapter 677 the following new chapter:

CHAPTER 678

LAND USE CONTROL PROCEDURES

678:1 Definitions. In this chapter:

I. "Annual high water level" on inland water areas means that point where the ordinary and usual presence and action of water ceases to have an effect upon the soil and upon the character of vegetation on such soil.

II. "Conservation commission" means any conservation commission established under authority of RSA 36-A.

III. "Development" or "develop" means the carrying out of any building or mining, or the making of any substantial change in the use or appearance of any structure.

(a) The term "development" or "develop" includes, but is not limited to:

(1) A reconstruction, alteration of size, or substantial change in the external appearance of a structure.

(2) A substantial change in the intensity of or a substantial expansion of any use of land.

(3) Alteration of a shore or bank of any body of water.

(4) Commencement of drilling, mining, or excavation except for taking of samples.

(5) Demolition of a structure.

(6) Clearing of land as an adjunct of development.

(b) The term "development" or "develop" shall not include:

(1) Activities of any agency of the state;

(2) Maintenance, renewal or improvement of any structure unless specifically prohibited or limited by development regulations adopted under this chapter; or

(3) A change in ownership of land.

IV. "Development permission" includes any building or zoning permit, subdivision approval, water or sewer permit or other certificate or permit which has the purpose of authorizing development.

V. "Estuarine waters" means a body of coastal water with an open connection to the ocean whose shoreline is at least 3 times greater than its opening and which contains a quantity of salt greater than .5 parts per thousand.

VI. "Land" means air, water and earth, above, below or on the surface and includes any structures customarily regarded as land.

VII. "Local hearing body" means the local planning board or such other body designated by ordinance of the legislative body to hold hearings and decide petitions for designation of a critical resource area or development of regional impact.

VIII. "Local planning board" means city or town planning boards established under authority of RSA 673:1.

IX. "Mean annual storm level" means the level of the 19 year average height of tide water reached during the annual storm surge, determined from published tables and standards of the United States Coastal and Geodetic Survey, adjusted to the locality from such tables.

X. "Mean high tide" means the level of the 19 year average height of high tide water, determined from the published tables and standards of the United States Coastal and Geodetic Survey, adjusted to the locality from such tables.

XI. "Mean low tide" means the level of the 19 year average height of low tide water, determined from the published tables and standards of the United States Coastal and Geodetic Survey, adjusted to the locality from such tables.

XII. "Municipality" means any city or town.

XIII. "Owner" means the owner of record or any one shown as the person entitled to notice as one having an interest in land on any records kept by any unit of government, such as tax records.

XIV. "Owner of record" means the fee simple owner of land as determined from records in the office of the register of deeds.

XV. "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal entity.

XVI. "Population" means the number of persons determined to be residing in a municipality by the most current census completed by the office of state planning pursuant to RSA 78-A:25.

XVII. "Primary residential development" means any residential development of regional impact which is designated by the applicant, or found from the evidence, to consist primarily of homes intended to be the principal place of abode of each prospective owner as distinguished from so-called "second homes" intended for recreational or seasonal occupancy.

XVIII. "Regional planning commission" means a body created pursuant to RSA 36:46.

XIX. "Regional planning districts" means the substate planning districts defined in executive order 15, adopted April 21, 1972.

XX. "Structure" means anything constructed, installed or portable, the use of which requires location on land.

XXI. "Unit of government" means any department, commission, agency or subdivision or other instrumentality of federal, state, or local government.

678:2 Municipal Ordinances and Other State Statutes.

I. The local planning board shall be the local hearing body with all powers and duties as provided in this chapter unless the legislative body has designated by ordinance some other body to hear and decide petitions for designation of a critical resource area and for a development of regional impact.

II. All powers of municipalities shall remain in full force and effect and shall not be affected by this chapter, and all local zoning, subdivision, and other police power ordinances shall remain in full force and effect except to the extent inconsistent with development permission, granted by the local hearing body or an appeal, for a development of regional impact which is composed principally of primary residences. Whenever there is an inconsistency between such local ordinances and the designation of or regulations for a critical resource area, that provision which imposes the greater restriction or higher standard shall govern.

III. Nothing contained in this chapter shall be interpreted to supersede or modify the statutes regulating excavations, dredge and fill, mining in public tidal or fresh waters, wetlands and areas in or adjacent to surface waters, as set forth in RSA 1:16, RSA 4:40-a through 40-d, RSA 12-E, RSA 482:41-e through 41-i, RSA 483-A, RSA 488-A and RSA 488-B; nor affect any of the provisions of RSA 149 and 149-E.

Critical Resource Area

678:3 Critical Resource Area Eligibility Defined; Criteria Established. The following areas are each eligible for designation as a critical resource area in the manner provided in RSA 678:4.

I. Critical coastal areas:

(a) There is a statewide interest in protection and beneficial and compatible use of the coastal areas of this state because they meet the following criteria:

(1) Provide nutrients, nursery grounds and sanctuaries for finfish, crustacea and shellfish of significant economic value or ecological importance.

(2) Serve as the breeding, resting and feeding grounds and sanctuaries for wildlife and waterfowl of significant economic value or ecological importance.

(3) Provide laboratories for scientific study.

(4) Offer open space and recreational opportunities for public use and enjoyment and are an important asset of the tourist and satellite industries which produce economic benefit to the state and its citizens.

(5) Provide effective means of flood control or serve as sedimentation basins, protecting private and public investment.

(6) Possess ecological characteristics which are in delicate balance and highly susceptible to destruction by unregulated development.

(b) Critical coastal areas eligible for designation as a critical resource area include:

(1) Submerged lands under estuarine waters.

(2) Intertidal zones, which are those areas between mean high tide mark and mean low tide mark.

(3) Coastal wetlands, which are those areas between mean high tide mark and the annual high storm mark.

(4) Banks and shores of estuarine waters and coastal wetlands.

(5) Barrier dunes and beaches.

II. Inland water areas:

(a) There is a statewide interest in protection and beneficial and compatible use of the inland water areas of this state because they meet the following criteria:

(1) Provide feeding and nesting grounds for fish, waterfowl, and wildlife of importance.

(2) Provide for aquifer recharge, protecting the water supply of the state.

(3) Provide for the maintenance of stream flow in periods of drought.

(4) Provide effective means of flood control, protecting public and private investment.

(5) Offer open space and recreational opportunities for public use and enjoyment and are an important asset of the tourist and satellite industries which produce economic benefit to the state and its citizens.

(6) Are threatened by destruction or impairment by increasing and competing demands upon their limited number.

(b) Inland water areas eligible for designation as a critical resource area include:

(1) Any river, any stream which flows throughout the year, any lake or pond larger than 10 acres, including the areas below annual high water levels of the foregoing.

(2) Swamps, bogs and other wetland areas larger than 10 acres.

(3) Banks and shores of water areas listed in subparagraphs (b)(1) and (2).

III. Properties of historical significance:

(a) There is a statewide interest in protection and beneficial and compatible use of properties of historical significance because of the following factors:

(1) The historical, archaeological, cultural and architectural heritage of the state is one of its most vital assets.

(2) This heritage is an essential ingredient of the tourist and satellite industries which foster the economic vitality of the state and its citizens.

(3) Preservation of this heritage as a living part of the community life of the state provides a sense of continuity and orientation to the citizens of the state and promotes the public welfare.

(b) Properties of historical significance eligible for designation as a critical resource area include buildings, structures, objects, districts, or sites important to the history, architecture, archaeology, and culture of this state, its communities or the nation.

IV. Rare and valuable natural areas:

(a) There is a statewide interest in protection and beneficial and compatible use of rare and valuable natural areas because they meet the following criteria:

(1) Offer educational and passive recreational opportunities for the citizens of the state and visitors to it.

(2) Provide rich scientific laboratories for the study of the relationship between man and nature.

(3) Provide rare, unspoiled examples of nature as it existed in beginnings of the state.

(4) Possess a fragile ecology developed over long periods of time which could easily be destroyed by unregulated development and one identified in the New Hampshire natural heritage inventory administered by the department of resources and economic development.

(b) Rare and valuable natural areas eligible for designation as a critical resource area include areas:

(1) That have not been significantly altered by man.

(2) That harbor native plant or animal communities of significant educational or scientific value.

(3) That exhibit natural features of significant educational or scientific value.

V. High ground:

(a) There is a statewide interest in protection and beneficial and compatible use of certain high ground because of the following factors:

(1) Geological characteristics increase the complexity of development and require well-defined regulations to protect the public health and safety.

(2) Unregulated use poses threats of soil erosion, stream and river sedimentation and flooding from greater and more rapid runoff.

(3) Such areas offer passive and active recreational opportunities for citizens of the state and visitors to it.

(4) Such areas provide breeding, nesting and feeding grounds for wildlife and exhibit unique flora, all of which are susceptible to destruction by uncontrolled development.

(5) The vistas of and from such areas are a unique asset of the state and their protection enhances the tourist and satellite industries which produce economic benefit to the state and its citizens.

(b) High ground which is eligible for designation as a critical resource area includes those areas at an elevation of more than 2,500 feet above sea level in Coos county, more than 2,000 feet above sea level in Grafton and Carroll counties, more than 1,700 feet above sea level in Cheshire and Sullivan counties, more than 1,500 feet above sea level in Merrimack, Hillsborough and Belknap counties and more than 1,000 feet above sea level in Rockingham and Strafford counties, provided that where a topographical feature extends across county boundaries, the lower elevation shall apply to the entire feature.

VI. Prime agricultural land:

(a) There is a statewide interest in the preservation and conservation of prime agricultural lands because of the following factors:

(1) Such lands are becoming increasingly scarce due to conversion to other uses.

(2) The public welfare requires that a reasonable quantity of such productive lands remain available for the raising of agricultural products.

(3) The continued devotion of such lands to agriculture ensures the preservation of the "open space" concept in areas where such lands exist.

(b) Prime agricultural lands eligible for designation as a critical resource area include land where the:

(1) Fertility and productivity are of the very highest standard.

(2) Prime quality for agricultural uses is unquestionably demonstrable from past records or results.

(3) Withdrawal from availability for agricultural uses would be a significant inroad on the agricultural resources of the state.

(c) Designation of agricultural lands as critical resource areas shall, in no event, constitute authority to prohibit or regulate land uses, construction, or other activities on such lands which are related to the pursuit of agriculture or silviculture.

678:4 Critical Resource Area Designation.

I.(a) One or more petitions setting forth a plan or plans for the designation of a critical resource area in each municipality shall be prepared by the conservation commission of each municipality as soon as reasonably possible after January 1, 1989. After January 1, 1990, such petitions may be filed in such municipalities by any of the persons or organizations set forth in subparagraph I (b) as to areas which the conservation commission has failed to include in a petition filed within such one year period.

(b) In municipalities which have not established conservation commissions, such petitions may be prepared by persons who are owners of record of all or part of a proposed area, or by any nonprofit corporation one of whose purposes is the preservation and protection of one or more types of areas eligible for designation as critical resource areas, or any group of 10 or more persons who are registered voters within the jurisdiction of the local hearing body.

II. The petition shall be filed with the local planning board or such other body the legislative body has designated by ordinance to hear such petitions, and shall contain:

(a) A description and sketch sufficient to identify the boundaries of the area to be considered.

(b) The names and addresses of all known owners of the area proposed for designation.

(c) A narrative statement showing that the area meets the criteria set forth in RSA 678:3.

(d) Proposed regulations conforming with RSA 678:4, V, (c).

III. The local hearing body shall hold a public hearing upon said petition not more than 35 days after filing of a complete petition. Not less than 15 and not more than 30 days before said hearing, the local hearing body shall cause notice of said public hearing:

(a) To be posted at 2 public places within the municipality.

(b) To be published in a newspaper of general circulation within the region.

(c) To be mailed by certified or registered mail to all known owners of the area proposed for designation. The notice shall contain the name of the petitioner, a description of the area proposed for designation, and a statement summarizing the nature of the petition. Not less than 15 days before said hearing the local hearing body shall also file a copy of the complete petition with the office of state planning, and the applicable regional planning district.

IV. At said hearing the petitioner shall present evidence in support of the petition. Owners of the area proposed for designation, the office of state planning, the regional planning commissions, units of government, and other persons with an interest may appear, and may present evidence and argument, and may examine and cross-examine witnesses on all relevant issues. The chairman may impose reasonable limitations on the number of witnesses heard, and on the nature and length of testimony and cross-examination. All testimony shall be under oath. A record of the hearing may be continued from time to time, but shall be concluded no more than 70 days after filing of the complete petition.

V. Within 60 days after conclusion of the hearing:

(a) The local hearing body shall issue a written report which approves or denies the petition to designate a critical resource area and which contains specific findings supported by substantial evidence whether the proposed area meets or fails to meet the criteria set forth in RSA 678:3.

(b) If the local hearing body finds that the proposed area meets the criteria set forth in RSA 678:3, it shall be designated a critical resource area, unless the local hearing body shall further specifically find on the basis of substantial evidence that designation would be inconsistent with the policies of this chapter.

(c) Upon approval of a petition, the local hearing body shall adopt regulations defining the types and conditions of land use permissible within the area and excluding development which does significantly impair the character or value of the area as a critical resource area.

(d) All such regulations adopted pursuant to subparagraph V (c) shall be consistent with, and designed to carry out, the purposes of the designation of each such area as one of critical resource.

678:5 Review by Local Legislative Body. If a 2/3 majority of the total membership of the conservation commission of a municipality is dissatisfied with the final action taken by the local hearing body of such municipality on a petition or petitions for designation of critical resource areas, filed pursuant to RSA 678:4, they may obtain a review and reconsideration of such action before the local legislative body by filing a true record of their vote with the clerk of such municipality, setting forth expressly the action or inaction objected to and the grounds for their objections, within 20 days after the recording of the action complained of. Upon receipt of such record it shall be the duty of the clerk to communicate the same at once to the municipal officer or officers empowered to call a meeting of the local legislative body, who shall forthwith call a special meeting of such local legislative body, in the manner provided by law or include the subject matter on the agenda of the next regular meeting of such local legislative body if it may be timely done and if a regular meeting is scheduled to be held within 60 days of the date of such filing of objections with the clerk. At such meeting of the local legislative body, the objections of the conservation commission shall be considered, and the local legislative body may take any lawful action thereon designating a critical resource area which the local hearing body might have taken in the first instance, limited, however, to the scope of the objections filed by the conservation commission. If the local legislative body is a town meeting, voting thereon shall be by ballot with the use of the checklist. If the local legislative body approves the designation of a critical resource area, the case shall be remanded to the local hearing body for adoption of regulations applicable to it. The action of the local legislative body shall be subject to appeal, as provided in RSA 678:9 and 10, the same as the action of a local hearing body.

678:6 Effect of Designation of a Critical Resource Area.

I. Except as provided in paragraph II, no person shall develop any land within a designated critical resource area, nor shall any municipality grant development permission, unless said development is in compliance with the regulations applicable to the particular area. The municipality, no fewer than 10 days before granting development permission within a critical resource area, shall supply a copy of the request to the state board of review established under RSA 678:10. The state board of review may issue a stop order halting development if it believes that the request is not in compliance with the regulations applicable to the particular critical resource area and may seek judicial enforcement of said stop order.

II. If any person has received development permission from any unit of government before the filing of a petition for designation of a critical resource area, neither designation of a critical resource area nor the regulations adopted under it shall apply to any portion of land covered by the development permission to the extent that the designation or regulations are inconsistent with said development permission, provided that the person commences construction within one year after issuance of the permit and progresses reasonably toward completion.

III. Except as provided in paragraph II, from the time that a petition for designation of a critical resource area has been filed until a decision is effective, no person shall develop land covered by said petition for designation of a critical resource area. If the municipality or the state board of review determines that development, except that permitted by paragraph II, threatens the proposed area or the power of the local hearing body or state board of review to designate a critical resource area, the municipality or the state board of review may issue a stop order halting said development and may seek judicial enforcement of said stop order.

IV. No person shall develop land eligible for designation as a critical resource area in the categories of (a) high ground, or (b) rare and valuable natural areas, for a period of 2 years after January 1, 1989, unless a petition for designation of such land has been sooner filed with the local hearing body, in which event the provisions of paragraph III shall govern. If the municipality or the state board of review determines that development, except that permitted by paragraph II, threatens the area eligible for designation or the power of the local hearing body or state board of review subsequently, upon petition, to designate the same as a critical resource area, the municipality or the state board of review may issue a stop order halting said development and may seek judicial enforcement of this stop order. During such interim period of 2 years, the rare and valuable natural areas eligible for designation as critical resource areas shall be those listed in the current New Hampshire natural areas inventory published by the New England Natural Resources Center.

Development of Regional Impact

678:7 Definition. In this subdivision:

I. "Development of regional impact" means:

(a) Residential developments proposing:

(1) A number of dwelling units more than one percent of the population of the municipality, but not less than 50 dwelling units; or

(2) 500 or more dwelling units.

As used in this subdivision, the term "residential development" includes developments with not more than 3 percent land area devoted to commercial retail uses.

(b) Commercial retail developments proposing:

(1) In municipalities of a population of 25,000 or more, more than 300,000 square feet of enclosed floor area devoted to retail sales.

(2) In municipalities of under 25,000 population, more than 150,000 square feet of enclosed floor area devoted to retail sales.

(c) Commercial recreational developments proposing parking spaces for 700 or more vehicles.

(d) Office developments proposing:

(1) in municipalities of a population of 25,000 or more, more than 300,000 square feet of floor area.

(2) In municipalities of under 25,000 population, more than 150,000 square feet of floor area.

(e) Industrial developments containing a lot for a single user which proposes:

- (1) Parking spaces for 500 or more vehicles;
- (2) A capital investment of more than \$10,000,000 for buildings and other structures; or
- (3) A lot size of 50 or more acres.

(f) At the option of the developer, other residential developments proposing a number of dwelling units more than .75 percent of the population of the municipality but not less than 35 dwelling units, provided that the developer, before applying for development permission, has filed written notice with the local hearing body having jurisdiction and the state board of review electing to be governed by this chapter.

678:8 Procedures and Standards of Municipalities.

I. No municipality shall approve or deny, nor shall any person develop a development of regional impact, except as provided in this chapter.

II. Any person proposing a development of regional impact shall file a petition seeking development permission for said development with the local planning board or other body that the legislative body has designated by ordinance to hold a public hearing, provided that no petition for development of regional impact shall include land designated a critical resource area, unless such development within the critical resource area is consistent with the regulations adopted for the area. The local hearing body shall hold a public hearing upon said petition not more than 35 days after filing of a complete petition. Not less than 15 and not more than 30 days before said hearing, the local hearing body shall cause legal notice of said public hearing:

- (a) To be posted at 2 public places within the municipality.
- (b) To be published in a newspaper of general circulation

in the region.

Not less than 15 days before said hearing, the local hearing body shall also file a copy of the petition with the state board of review, the office of state planning and the applicable regional planning district. The office of state planning may notify all units of government which have previously requested notice of public hearings regarding developments of regional impact.

III. At said hearing, the petitioner shall present evidence in support of the petition regarding the benefits it will provide the region. The office of state planning, the regional planning commission, units of government and other persons with an interest may appear and may present evidence and argument, may examine and cross-examine witnesses on all relevant issues. The chairman may impose reasonable limitations on the number of witnesses heard, and on the nature and length of testimony and cross-examination. All testimony shall be under oath. The local hearing board shall have the power to gather all relevant evidence pertaining to the petition before it and may require the petitioner seeking approval of a development of regional impact, to secure at his expense and present such further evidence in addition to that voluntarily presented by him, as the board shall find reasonably necessary to a decision of the case. The local hearing board may permit persons with an interest, not desiring to become parties to the hearing, to submit written or oral comments on the petition, as amici curiae, subject to such reasonable regulations as the board may prescribe. Any person opposing the development shall bear the burden of presenting evidence on any adverse impact that the development may have. A record of the hearing, capable of transcription, shall be kept. The hearing may be continued from time to time, but shall be concluded no more than 70 days after filing of the complete petition.

IV. Within 60 days after conclusion of the hearing, the local hearing body shall issue a written report analyzing the detriments and benefits of the proposed development to the municipality and the region and shall approve or deny said petition. The power to approve shall include the power to attach conditions to said approval which are consistent with the findings regarding the issues raised by subparagraphs IV (a) through (f) and which alleviate the impact caused by the development. In order to deny development permission, the local hearing body must conclude that the detriments caused by the development outweigh the benefits; in order to approve the development, the local hearing body must conclude that the benefits offered by the development outweigh the detriments. The written report shall contain findings supported by substantial evidence with respect to the following issues:

(a) Development is in furtherance of or contradictory to objectives or policies of any adopted state or regional land use plan or local land use regulation.

(b) Development is or is not essentially or especially appropriate in view of the available alternatives within or without the jurisdiction.

(c) Development does or does not have an adverse effect on the environment and natural resources of the region, taking into consideration available and feasible alternate methods of development.

(d) If development of the type proposed imposes immediate cost burdens on the municipality, whether the amount of development of that type which has taken place within said municipality is more or less than an equitable share of the development of that type needed in the region.

(e) Development favorably or adversely affects the ability of people to find adequate housing. The determination of the availability of adequate housing shall include consideration of the housing needs of families and individuals of all income levels who live or might reasonably be expected to live within the region, based on such factors as population growth and mobility, family formation, deterioration of existing housing stock, and the removal of existing and substandard units from the market.

(f) Development favorably or adversely affects the provision of municipal services, including educational facilities, water, sewer, solid waste disposal or other necessary public utilities, and the burden of taxpayers in making provision therefor.

678:9 Effect of Approval of a Development of Regional Impact.

I. If development permission for a development of regional impact which is a primary residential development, including the conditions imposed in such permit, is inconsistent with any municipal ordinances or regulations, the latter shall not be superseded except to the extent they are inconsistent with the development. If development permission for any other type of development of regional impact, including the conditions of such development, are inconsistent with any municipal ordinances or regulations, that provision which imposes the greater restriction or higher standard shall govern.

II. Approval of a development of regional impact shall not be subject to any amendment or modification without consent of the owner, provided that construction is commenced pursuant to said approval and progresses reasonably toward completion.

State Review Procedures

678:10 State Board of Review; Authority Granted.

I. There is established a state board of review responsible for reviewing petitions for critical resource areas and for developments of regional impact with powers and duties as provided in paragraph V.

II. The state board of review shall consist of 9 persons: 6 persons selected by and from the regional planning districts and 3 persons appointed by the governor and council in a manner and for a term as follows:

(a) Before March 31, 1989, the members of all regional planning commissions within each district shall select from among their members one person to serve as a member of the state board of review and one person to serve as an alternate member in cases where a vacancy or disqualification occurs. Such board members and alternates shall serve for a term of 3 years or until a successor is selected and qualified, provided that the initial selection shall be for terms as follows: substate districts one and 5 - one year; substate districts 3 and 6 - 2 years; substate districts 2 and 4 - 3 years. Any vacancy shall be filled for the unexpired term.

(b) Before March 31, 1989, the governor with the advice and consent of the council shall appoint 3 persons to serve as members of the state board of review and one person to serve as an alternate member in cases where a vacancy or disqualification occurs. Such board members shall serve for a term of 3 years or until a successor is appointed and qualified, provided that the initial appointments shall be for terms of one, 2 and 3 years. Any vacancy shall be filled for the unexpired term. One of said 3 persons shall be representative of environmental interests, one representative or real estate or development interests, and one representative of the general public.

(c) The governor, with the advice and consent of the council, shall select from among the members of the board a person to serve as chairman for a period of one year.

III. No member shall participate in any matter in which the board is to act as a fact-finder, if such person would be disqualified to act as a juror upon the trial of the same matter in an action at law, for any cause, except an exemption from service and knowledge of the facts involved gained in performance of his official duties. Upon disqualification of a member, the alternate member shall serve as a board member during the matter.

IV. The members of the board shall receive \$50 per diem for their services and shall receive mileage at the state employee rate for attending any hearings, meetings, or other official business.

V. The state board of review shall have the following duties and powers:

(a) To hear and decide appeals from decisions by local hearing bodies on petitions for designation of a critical resource area.

(b) To hear and decide appeals from decisions by local hearing bodies on petitions for a development of regional impact.

(c) To act as local hearing body in such circumstances as specified in this chapter.

(d) To adopt rules under RSA 541-A consistent with this chapter establishing uniform practices and procedures before local hearing bodies and before the state board of review in order to assure efficient administration of this chapter.

(e) To hire such professional and clerical staff as is necessary to assist it in performing its duties and powers.

VI. Decisions on petitions for designation of a critical resource area and developments of regional impact by the state board of review shall be adopted at a meeting at which a quorum of 5 members is present.

678:11 Appeal Procedure.

I. Any party petitioner, party who has standing to have filed a petition in the matter, party owner or party local government or other person party to the proceedings before the local hearing board, may appeal a decision of a local hearing body pursuant to this chapter,

including any proposed regulations, within 20 days after the decision is final by filing a notice of appeal with the state board of review, provided that no appeal shall be allowed when the local hearing body has denied development permission for an industrial, commercial, recreational, office or commercial retail development of regional impact. Failure of the local hearing body to adopt development regulations or to issue a written report within the time required shall be considered a denial of the petition and appealable.

II. The appellant shall serve a copy of the notice of appeal upon the local hearing body, the office of state planning, the applicable regional planning district and all parties appearing before the local hearing body and shall cause a report of the hearing before the local hearing body to be prepared and filed with the state board of review.

III. All parties to the original hearing may submit written briefs in support of or opposition to the decision of the local hearing body. Upon notice to all parties, the state board of review may request the presentation of additional evidence or oral argument.

IV. After reviewing the record before the local hearing body and any additional evidence submitted at its request, with all powers and duties regarding findings of fact and conclusions as if it were the original hearing body, the state board of review shall issue a written report which shall contain findings supporting its conclusion to affirm, modify or reverse the local hearing body's decision to approve or deny the petition.

(a) In its written report in appeals from decisions of a local hearing body on petitions to designate a critical resource area:

(1) The state board of review shall make specific findings supported by substantial evidence whether the proposed area meets or fails to meet the criteria set forth in RSA 678:3.

(2) If the state board of review finds that the proposed area meets the criteria set forth in RSA 678:3, it shall be designated a critical resource area, unless the state board of review shall further specifically find on the basis of substantial evidence that the designation would be inconsistent with the policies of this chapter.

(3) Upon designation of a critical resource area, the state board of review shall adopt regulations defining the types and conditions of land use permissible within the area and permitting development which does not significantly impair the character or value of the area as a critical resource area. Said regulations may include, amend or delete regulations adopted by the local hearing body. The regulations adopted by the state board of review shall be enforced by the municipality, subject to the provisions of RSA 678:6, and to the extent inconsistent with the municipality's ordinances, shall supersede all such ordinances within the area of critical concern.

678:12 Appeal to Supreme Court. If the state board of review designates a critical resource area or approves a development of regional impact, whether originally, or upon appeal to it, any party to the proceedings before or appeal to the state board may appeal from its decision to the supreme court in accordance with RSA 541.

Miscellaneous Provisions

678:13 Amendment or Termination of a Critical Resource Area Designation or Development of Regional Impact. Any petition for termination of a designation of a critical resource area, in whole or in part, or for amendment of the development regulations applicable to it, or any petition for amendment of development permission for a development of regional impact shall be subject to the procedures applicable to the original petition.

678:14 State Board of Review or Joint Body as Local Hearing Body.

I. In the event that there is no municipality with jurisdiction to hear a petition for designation of a critical resource area or for a

development of regional impact, or there is no local planning board and the legislative body fails to designate a hearing body within 21 days after filing a complete petition, the state board of review shall act as the local hearing body in the manner provided in this chapter.

II. In the event that an area proposed for designation as a critical resource area or a development of regional impact is located within the boundaries of 2 or more municipalities, the local hearing body of each municipality shall select 4 of its members to sit on a joint body which shall act as the local hearing body in the manner provided in this chapter. Those selected shall choose a registered voter of one of the municipalities to act as an additional member and the chairman of the joint hearing body. If the joint body cannot reach a decision on who shall serve as an additional member, the state board of review shall make the decision.

678:15 Exemptions. The following shall not be subject to this chapter:

I. Developments constructed by or under the control of the state.

II. Developments which have received development permission from any unit of government before January 1, 1989, but only to the extent of the work which has been reviewed and accepted in connection with the granting of such development permission, provided there is no substantial change from the terms of said development permission.

678:16 Penalty. Whoever violates any provision of this chapter, or any rule adopted under it or any permit issued under it shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. The superior court shall have jurisdiction in equity to restrain a continuing violation of this chapter. Furthermore, upon petition of the attorney general, the court may levy upon any person who violates any development regulation adopted within an area of critical concern a civil penalty in an amount not in excess of \$100,000. The proceeds of civil penalties shall be used by the local government to restore the area affected by the violation or, if that is not applicable, shall be placed in the state's general fund.

3 Appropriation. The sum of \$50,557 for the fiscal year ending June 30, 1989, and the sum of \$60,411 for the fiscal year ending June 30, 1990, are hereby appropriated to the state board of review to be expended as follows:

	<u>Fiscal 1989</u>	<u>Fiscal 1990</u>
Personnel	\$39,500	\$48,500
Equipment	3,837	400
Current expenses	740	690
In-state travel	6,480	10,821
Total	<u>\$50,557</u>	<u>\$60,411</u>

The funds appropriated shall be reduced by any available matching federal funds. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

As amended, this bill establishes guidelines for determining a critical resource area in the state, thereby limiting or restricting any development in the areas so designated.

The bill also covers development which has a regional impact specifying the considerations that must be met before approval shall be granted for such development.

In both instances, the municipality is the focal point of authority and appeals from local decisions shall be made to a state board of review

established by this bill. The board consists of 9 members, 6 selected from the regional planning districts and 3 by governor and council. One of the 3 appointed by governor and council shall be representative of environmental interest, one representative of real estate or development interests and one representative of the general public.

Any appeal from the state board of review after this board has designated a critical resource area or approves a development of regional impact shall be made to the supreme court.

Certain developments are exempted from the provisions of the bill.

The bill appropriates \$50,557 to the state board of review for fiscal year 1989, and \$60,411 for fiscal year 1990.

Amendment adopted.

Rep. Elizabeth Greene offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study development issues and their impact on the state environment and its resources.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established. The New Hampshire house of representatives recognizes that it is the policy of this state that planning, zoning, and related regulations have been and should continue to be the responsibility of municipal government. Nevertheless, the house is concerned that some prospective development, by virtue of size, location, or nature, might impact unfavorably upon the environment or resources of the state unless proper coordination and control are exercised. Further, a development proposed in one municipality could markedly affect an adjacent community. In recognition of these considerations, the house of representatives hereby establishes a study committee to assess the problem.

2 Membership. The committee shall consist of 6 members, to be appointed by the speaker of the house within 30 days of the passage of this act, as follows:

I. Two members of the house environment and agriculture committee.

II. Two members of the house municipal and county government committee.

III. Two members of the house resources, recreation, and development committee.

3 Study and Report.

I. The committee shall perform a study on the impact of building development and growth on the state environment and its resources, and the relationship of development and growth to planning, zoning, and related regulations. The committee shall:

(a) Identify and review existing legislation bearing on the situation.

(b) Compare existing provisions, including the functions of various agencies and governmental entities, with the needs outlined above.

II. On or before December 1, 1988, the committee shall compile the results of its study together with any recommendations for legislation in the form of a report which shall be delivered to the speaker of the house.

III. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and the political subdivisions of the state, such information and assistance as it may deem necessary for the study and report.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill establishes a house committee to study the impact of building development and growth on the state environment and its resources, and the relationship of development and growth to planning, zoning, and related regulations.

As amended, the committee must report its findings on or before December 1, 1988.

Rep. Elizabeth Greene explained the amendment.

Amendment adopted.

Referred to Appropriations.

HB 672-FN, relative to workers' compensation permanent impairment awards. Inexpedient to Legislate.

House Bill 672 was another bill, the subject of which will be studied along with other bills including HB 620. Passage was not necessary since the subject will be part of the interim study. Vote 7-3. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 559-FN, relative to drug testing of public employees.

Inexpedient to Legislate.

The Committee voted 12-1 to report this bill as Inexpedient to Legislate, at this time, because the bill has no support. The Committee feels it should be left to the discretion of the employer. Rep. Virginia K. Lovejoy for Children, Youth and Elderly Affairs.

Rep. Lozeau spoke to the report.

Resolution adopted.

HB 404-FN, establishing a road pay-back fee system. Ought to Pass with Amendment.

This bill, as amended, enables the towns to collect from the builders necessary funds to repair roads as needed. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is hereby declared to be in the public interest to provide and maintain a safe and efficient transportation network for the state's citizens and provide for future growth. It is further declared in the public interest to require future development to share the cost of transportation system improvements necessitated by that development. It is the purpose of this act to authorize municipalities, and the state in cooperation with municipalities, to require applicants who seek approval for new development in the municipality to pay a fee which is directly related to the incremental financial burden imposed by that new development.

2 New Subdivision; Public Highway Improvement Contributions. Amend RSA 674 by inserting after section 52 the following new subdivision:

Public Highway Improvement Contributions

674:53 Off-Site Highway Improvements as a Condition of Project Approval.

I. A planning board, in exercising subdivision review authority under RSA 674:35, or site plan review authority under RSA 674:43, may, as a condition of project approval, require the applicant to contribute to the cost of off-site public highway improvements in an amount related to the needs created by and special present and future benefits conferred upon the applicant's project.

II. The applicant's contribution may, if agreed to by the board and the applicant, be in some form other than money, such as a bond or other form of security, or materials, labor, or equipment. If such contribution is in money, it shall be expended only for the highway improvements stated in the board's decision.

III. No applicant contributions shall be required for highway improvements or portions thereof which the municipality has already completed at the time of the board's acceptance of the completed application, unless the board has established a highway improvement impact fee district under RSA 674:54.

674:54 Highway Improvement Impact Fee Districts. If a municipality has enacted a zoning ordinance, and if the planning board has adopted a master plan, capital improvements program, subdivision regulations, and site plan review regulations, the planning board may, through regulations adopted pursuant to the procedure of RSA 675:6, establish one or more highway improvement impact fee districts, require all new development within such a district to share in the cost of public highway improvements, accumulate developer contributions to finance such improvements, and recapture amounts already expended by the municipality for such improvements, subject to the following requirements:

I. In establishing the district, the board shall name a particular public highway improvement or series of related improvements which is to be financed wholly or partially through impact fees required from new development within the district.

II. The board shall determine or estimate the actual or projected cost of completing such improvements, including the municipality's planning, land acquisition, administrative, and engineering costs.

III. The board shall determine what portion of that cost shall be financed through developer impact fees, by comparing the extent to which the need for the improvements, and the benefit of those improvements, are attributable to proposed or anticipated development, and the extent to which such need and benefit are attributable to existing levels of development and the general public. The board may consider a variety of factors, including but not limited to the extent of existing development, the capacity of existing highways, the intensity of through and local traffic, amount of developable land, character of the neighborhood, uses permitted by zoning, anticipated rates of growth and development, and capacity and expected life of the improvements. The entire cost to the municipality of studies necessary for planning and developing the impact fee district regulations may be included in the amount to be recaptured through fees.

IV. The board shall establish a method for calculating any development project's allocable share of the amount determined under paragraph III. The rate-setting method may involve calculations of the proposed project's frontage, land area, floor area, projected traffic impact, type and intensity of use, projected valuation, or any other factor indicative of highway impact, or an appropriate combination thereof.

V. The highway improvement impact fee district shall include developable land benefited by the named improvements. If appropriate, the impact district may be divided into areas of greater and lesser impact, with differing contribution requirements.

VI. The board shall determine what types of permits or approvals shall be conditioned upon the impact fees. Such fees may be required as a condition of subdivision or site plan approval, or building, zoning, or other required permits; provided, however, that no development shall, due to multiple permit requirements, be required to pay more than its allocable share of fees.

VII. The board may adjust fee requirements from time to time, before or after the completion of the improvements, to reflect increased construction costs, altered estimates of the amount of anticipated development, inflation, or interest accrued on any debt incurred for purposes of the improvements.

VIII. The amount of any required fee may be appealed in the manner specified by law for appeal of the underlying approval or permit which has been conditioned upon said fee.

IX. A separate accounting shall be maintained for all fees collected from each established impact fee district.

(a) Fees collected after expenditure for the improvements has been made may be deposited into a special roadway fund of the municipality, or into any fund from which amounts were spent for the stated highway improvements and may be used or contributed only to construct, reconstruct, or improve town roads.

(b) An applicant may agree to advance to the municipality, for the purposes of the improvements, some amount greater than the amount of fees required under paragraph V, and fees subsequently collected in an impact district may be repaid to that developer in a manner determined by the agreement; but no such agreement shall affect the amount or timing of any other applicant's fee requirement.

X. A fee requirement established under this section shall terminate upon the earliest of the following:

(a) At the end of the expected life of the improvements, as determined by the board.

(b) When the total amount of fees collected in the district equals the total of the portion of improvement costs allocated to developer contributions under paragraph III, as may be adjusted under paragraph VII.

(c) At the end of 20 years following the completion of the improvements.

674:55 Separate Fund. Any money collected from developers pursuant to this subdivision shall, prior to the municipality's expenditure for the highway improvements, be held in a separate interest-bearing fund to be held by the trustees of trust funds, subject to the investment limitations pertaining to capital reserve funds, not commingled with the municipality's general account, and may be expended upon authorization by the municipality's chief executive officer as defined in RSA 672:9.

674:56 State Highways. A municipality may exercise the authority granted under RSA 674:53 and 54 to finance improvements on class I and II highways, only if such improvements have been approved in writing by the commissioner of transportation pursuant to RSA 230:78. All improvements on class I and II highways shall conform to applicable standards of the department of transportation.

674:57 Statutory Construction. This subdivision shall not be construed (a) to deprive the planning board or other municipal body of its authority to disapprove projects, or (b) to limit the imposition of other conditions of approval authorized by this title and the common law of New Hampshire. No court, in reviewing a planning board decision pursuant to RSA 677:15, shall require a municipality, without its

consent, to undertake public highways improvements, either at the expense of an applicant or otherwise.

3 New Section; Impact Districts. Amend RSA 230 by inserting after section 77 the following new section:

230:78 State Highway Improvement Impact Districts.

I. The commissioner of transportation shall have approval authority over any aspect of a municipal public highway improvement impact fee district established under RSA 674:54 which includes the imposition of developer contribution requirements for improvements to class I and II highways.

II. The commissioner may grant such approval at the request of a municipality pursuant to RSA 674:56, or, if the improvement is part of a state public works project, may initiate a request to a municipality to establish such a district. The department of transportation may initiate, or may assist the municipality in, planning and developing the district, but no such district shall be effective in a municipality unless established by its planning board.

III. The commissioner and the municipality shall make an agreement specifying at a minimum: (a) allocation of financing responsibilities; (b) responsibility and mechanisms for imposing and collecting developer contributions; (c) how such contributions shall be held; and (d) what funds or accounts, and in what order or proportion, are to be reimbursed by any developer contributions collected after the improvement expenditures have been made.

IV. Notwithstanding RSA 674:55, the fund required therein may, in the case of class I and II highways, be held by the state.

4 New Section; Contributions; Driveway Permits. Amend RSA 236 by inserting after section 13 the following new section:

236:13-a Highway Improvements as a Condition of Driveway Permit.

I. The commissioner of transportation, in exercising the authority to issue permits pursuant to RSA 236:13 for class I and II highways may, as a condition of permit approval, require the applicant to contribute to the cost of state highway improvements, in an amount related to the needs created by and the special present and future benefits conferred upon the applicant's project.

II. The applicant's contribution shall be held in a separate interest-bearing account, and shall be expended only for the highway improvements stated in the permit.

5 Optional Rulemaking. Amend RSA 21-L:12-a by inserting after paragraph XII thereof the following new paragraphs:

XIII. The approval of highway improvement impact fee districts for improvements to state highways, as authorized by RSA 230:78.

XIV. The imposition and collection of highway improvement contributions as a condition of driveway permits as authorized by RSA 236:13-a.

6 Class I Trunk Line Highways. Amend RSA 230:1 to read as follows:

230:1 Class I Trunk Line Highways. The department of transportation shall assume full control and pay the costs of construction, reconstruction and maintenance of all class I highways, including bridges thereon *except as provided in RSA 230:78 and RSA 236:13-a.*

7 Class II State Aid Highways; Improved Portions.

230:3 Class II State Aid Highways; Improved Portions. The department of transportation shall assume full control and pay the costs of reconstruction and maintenance of all class II highways which have been improved to the satisfaction of the commissioner of transportation *except as provided in RSA 230:78 and RSA 236:13-a.*

8 New Paragraph; General Powers and Duties; Department of Transportation. Amend RSA 228:6 by inserting after paragraph VIII the following new paragraph:

IX. Enter into agreements with municipalities for the formation of highway improvement impact districts for improvements on class I and II highways pursuant to RSA 230:78, and to initiate or assist municipalities in the planning and development of regulations for such districts.

9 Capital Improvements; Authorization. Amend RSA 674:5 to read as follows:

674:5 Authorization. In a municipality where the planning board had adopted a master plan, the local [legislative] *governing* body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor and the budget committee in their consideration of the annual budget.

10 Application to Conditions Imposed before January 1, 1989. No highway improvement contribution requirement imposed as a condition of any approval or permit which is granted prior to January 1, 1989, shall be declared illegal or invalid because of the provisions of this act.

11 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, authorizes municipalities, and the state in cooperation with municipalities, to require applicants who seek approval for new development in the municipality to pay a fee which is directly related to the incremental financial burden imposed by that new development. Such fee may, if agreed to by the relevant planning board and the applicant, be in some form other than money, such as a bond or other form of security, or materials, labor, or equipment.

Before a planning board may require contributions, the municipality must have enacted a zoning ordinance and such planning board must have adopted a master plan, capital improvements program, subdivision regulations and site plan review regulations. Should these conditions be met, the planning board may establish one or more highway improvement impact fee districts and may require all new development within such a district to share in the cost of public highway improvements.

A municipality may exercise the authority granted under this bill to finance improvements on class I and II highways only if such improvements have been approved in writing by the commissioner of transportation.

Rep. Hammond moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Barnes spoke against the motion, yielded to questions and requested that his statement be printed in the Journal.

Thank you, Mr. Speaker. Good afternoon fellow members. I'd like to give you a little history of this bill coming to our Committee, Municipal and County Government. I was fortunate enough this past session to have been made the Chairman of a Subcommittee on re-referred bills and this was one of the bills that came before my Subcommittee. Back in February when this bill first came to our Committee, testimony was given, a lot of thought went into it. The Executive Session came up on March 11th and the vote was 15-1 in favor of passing House Bill 404 with the amendment which was attached to it. Later on in the month of March, the bill came to the floor of the House and it was decided that the bill should be re-referred to Committee. We published the notice of the public hearing on this bill. June 16th was when we had our Subcommittee meeting, the

only testimony was from the Department of Transportation, two members of which were strongly in favor of the bill with the amendment as written. Then we had the entire Committee meeting on this and I presented the findings of the Subcommittee and the final vote this time was 19-0, Ought to Pass with the Amendment, which we brought back here to the floor of the House. Under provision 674:53, I, trigger of payment of the fee is when the applicant applies for approval. There is no intention whatsoever that the provisions of 674:54, VII, could ever result in a second fee. Mr. Speaker, I would like to request that that comment be entered into the House Record. I urge you to support HB 404.

Rep. Grodin spoke against the motion and yielded to questions.

Rep. Lionel Boucher spoke in favor of the motion.

Reps. Leonard Smith, Chambers and Ezra Mann spoke against the motion.

Reps. Rodgers, Alukonis and LaMott spoke in favor of the motion and yielded to questions.

Rep. Palumbo spoke against the motion, yielded to questions and yielded to Rep. Grodin who yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Bonnie McCann abstained from voting under Rule 16.

YEAS 152 NAYS 200

YEAS 152

BELKNAP: Dexter, Malcolm Harrington, Holbrook, Jensen, Locke, Pearson and Turner.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Cole, Delano and Sawyer.

COOS: Brady, Brungot, Harold Burns, Guay, Horton, Marsh and Purrington.

GRAFTON: Bean, Bennett, Christy, Dearborn, Driscoll, Hammond, LaMott, Stewart, Howard Townsend, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Baker, Bass, Lionel Boucher, Boutwell, Bowers, Burkush, Champagne, Chretien, Cowenhoven, Cusson, Daigle, Gerard Desrochers, Paul Dionne, Donovan, Drolet, Durant, Clyde Eaton, Fields, Granger, Scott Green, Grip, Hatch, Holden, Cornelius Keane, Keefe, Robert Kelley, Lefebvre, Levesque, Lozeau, Magee, Messier, Moore, Robert Murphy, Perham, Price, Rodgers, Routhier, Sallada, Shriver, Soucy, Steiner, Stonner, Turgeon, Wagner, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, James Chandler, Fillion, George E. Gordon, Gross, Kidder, Lockwood, Manus, Doris Riley, Gerald Smith and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Blanchard, Carpenito, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Gosselin, Gourdeau, Haynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Maurice MacDonald, Magoon, Merchant, Newell, Pantelakos, Pevear, Schmidtchen, Scott, Skinner, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton and Welch.

STRAFFORD: Casey, Chamberlin, Frew, Kincaid, Kinney, Koromilas, Lachance, Lussier, Martling, Parks and Ann Torr.

SULLIVAN: Behrens, Cutting, D'Amante, Domini, Flint, Krueger, Lindblade, McKee, Rodeschin, Schotanus and Spaulding.

NAYS 200

BELKNAP: Bowler, Richard Campbell, Golden, Hardy, Hawkins, Maviglio, Randall, Lawrence Richardson, Thurston, Vogler and Wixson.

CARROLL: Kenneth MacDonald and McIntire.

CHESHIRE: Blacketor, Corrigan, Daschbach, Jesse Davis, Doucette, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley and Schwartz.

COOS: Frederic Foss, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Blair, Chambers, Copenhaver, Densmore, Wayne King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Walter and Ward.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baldizar, Bourque, Buckley, A. Leslie Burns, Cid, Cote, Cox, William Desrosiers, William Dion, Domaingue, Dube, Dupont, Dykstra, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Guilbert, Marian Harrington, Healy, Humphrey, Chris Jacobson, Donna Kelly, Alice Knight, Korcoulis, Lanzara, Long, Lown, Mason, McGlynn, McRae, Morrisette, Mulligan, Nixon, O'Rourke, Packard, Pappas, Paquette, Pariseau, Prestipino, Reardon, Reidy, Leonard Smith, Stiles, Sullivan, Tarpley, Vanderlosk, Ware and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Fraser, Gilbreth, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Stio, Trombly, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Barnes, Benton, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Ellyson, John Flanders, Beverly Gage, Elizabeth Greene, Hoar, Hynes, Joyce, Roger King, Lovejoy, Mace, Malcolm, William F. McCain, McGovern, McKinney, Nagel, Palumbo, Parr, Popov, Read, Ritzo, Sanderson, Schwaner, Seward, Sherburne, Sochalski, Splaine, Vaughn, Weddle and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, William McCann, McManus, Pelley, Francis Robinson, Spear, Swope, Wall and Wilson.

SULLIVAN: Brodeur, Ingram, Normandin, Peyron and Sara Townsend, and the motion lost.

Rep. Beverly Gage notified the Clerk that she inadvertently voted nay and meant to vote yea.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 564-FN, authorizing any city or town to issue revenue bonds.
Ought to Pass with Amendment.

This legislation, as amended, will enable cities or towns to set up their own financing. Vote 19-0. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter. Municipal Revenue Bonds. Amend RSA by inserting after chapter 33-A the following new chapter:

CHAPTER 33-B
MUNICIPAL REVENUE BONDS

33-B:1 Definitions. This chapter may be referred to as the "Municipal Revenue Bond Act". For purposes of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

I. "Authorized officers" means the treasurer of a municipality and the mayor or city manager of a city, the selectmen of a town, and the commissioners or comparable officers of a village district.

II. "Bonds" means any bonds, notes or other evidences of indebtedness issued under this chapter.

III. "Construction" means acquisition, construction, reconstruction, equipping, enlargement or other capital improvement.

IV. "Legislative body" means the city council of a city, and the voters present and voting at an annual or special meeting of a town or village district.

V. "Municipality" means a city, town or village district.

VI. "Revenue-producing facilities" means water works, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities and any other real or personal property or interests in a municipality owned or controlled by the municipality, from the operation of which revenues are or are expected to be derived by the municipality.

VII. "Revenues" means any rates, rents, fees, charges and other receipts and moneys held or to be received by or on behalf of a municipality from or with respect to the construction, financing, operation and disposition of a revenue-producing facility and all rights to receive the same including, without limitation, rates, rents, fees, charges and other moneys received for the use or occupancy of the facility or any part thereof or any service provided thereby, repayments of loans made in respect of the cost of the facility, grants, loans and other contributions from any governmental unit or any other person for or in respect of proceeds of the lease, sale or other disposition of the facility or any interest therein; revenues shall not include any ad valorem taxes on the real estate and personal property comprising any revenue-producing facility.

33-B:2 Issuance of Revenue Bonds. A municipality may issue bonds or notes under this chapter for construction of revenue-producing facilities. Bonds issued by a municipality under this chapter shall not be deemed to be a pledge of the faith and credit of the state or of the municipality. Except as otherwise provided in this chapter, the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued in such amounts as the legislative body may authorize by a 2/3 vote as required under RSA 33:8 or 9, as applicable. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authorized officers, and shall mature at such time or times as may be determined by the authorized officers, except that no bond shall mature more than 40 years from the date of its issue or beyond the expiration of the expected useful life of the facilities being financed by the bonds as determined by the authorized officers. Bonds may be made redeemable before maturity at the option of the municipality at such price or prices and under such terms and conditions as may be fixed by the authorized officers prior to the issue of bonds. The authorized officers shall

determine the form and details and the manner of execution of bonds. The municipality may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the authorized officers may determine. The provisions of RSA 33:11-a, 14 and 15 shall apply to bonds issued under this chapter.

33-B:3 Project Costs. In addition to other lawful items, the costs to be financed by the issuance of bonds under this chapter may include interest during construction and for up to one year after completion of the revenue-producing facilities being financed as estimated by the authorized officers, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, expenses as may be necessary or incident to determining the feasibility or practicability of constructing the revenue-producing facilities, the funding of reserves for debt service or other expenses, and such other expenses as may be necessary or incident to the construction of the revenue-producing facilities, the financing of such construction and the placing of the facilities in operation.

33-B:4 Trust or Security Agreement or Resolution. Any bonds issued under this chapter may be secured by a resolution or by a trust or security agreement between the municipality and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a trust or security agreement directly between the municipality and the purchasers of the bonds, and such resolution or trust or security agreement shall be in such form and executed in such manner as may be determined by the authorized officers. Such trust or security agreement or resolution may pledge or assign, in whole or in part, the revenues held or to be received by the municipality from or on account of the revenue-producing facilities, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the municipality, and the proceeds thereof. Such trust or security agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the authorized officers, be reasonable and proper and not in violation of law. Without limiting the generality of the foregoing, such agreement or resolution may include provisions defining defaults and providing for remedies in the event of default, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the municipality in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees, charges and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the construction and operation of the revenue-producing facilities, and the making and amending of contracts relating to the bonds. It shall be lawful for any bank or trust company described in RSA 41:29 or RSA 48:16 to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a trust or security agreement or resolution and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or other credit facilities as may be required by a municipality acting under this chapter. Any such trust or security agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

33-B:5 Credit Facilities and Insurance. Any bonds issued under authority of this chapter may be issued by a municipality pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers of the bonds, as the authorized officers may determine to be in the best interests of the municipality. In addition to other security provided herein or otherwise by law, bonds

issued by a municipality under this chapter may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the municipality by any bank, trust company or other financial institution, within or without the state, and the municipality may pledge or assign any of the revenues from its revenue-producing facilities as security for the reimbursement by the municipality to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

33-B:6 Pledge of Revenues or Other Property. Any pledge of revenues, contract or other rights to receive revenues, or the proceeds thereof made by a municipality under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code and other laws from the time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the municipality shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the municipality, irrespective of whether such parties have notice thereof. Neither the resolution, any trust or security agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the municipality and no filing need be made under the Uniform Commercial Code.

33-B:7 Enforcement of Rights. Any owner of a bond issued by a municipality under the provisions of this chapter and any trustee under a trust or security agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such agreement or resolution, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust or security agreement or resolution and may enforce and compel the performance of all duties required by this chapter or by such agreement or resolution to be performed by the municipality or by any officer of a municipality.

33-B:8 Refunding Bonds. A municipality, when authorized by its legislative body, may issue refunding bonds for the purpose of paying any of its bonds issued pursuant to this chapter at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the refunding bonds as the authorized officers may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a trust or security agreement or resolution securing the bonds. The authorization and issue of refunding bonds, the maturities and other details of such bonds, the security for the bonds, the rights of the holders of the bonds, and the rights, duties and obligations of the municipality in respect to the same shall be governed by the provisions of this chapter relating to the issue of the bonds other than refunding bonds insofar as the same may be applicable.

33-B:9 Governmental Consents. Bonds may be issued under this chapter without obtaining the consent of any department, division, commission, board, or agency of the state, and without any other proceedings or the happening of any condition or things other than those proceedings, conditions or things which are specifically required by this chapter, and the validity of and security for any bonds issued by a municipality pursuant to this chapter shall not be affected by the

existence or nonexistence of any such consent or other proceedings, condition or things.

33-B:10 Investment Securities. Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued under this chapter, all such bonds shall be deemed to be investment securities under the Uniform Commercial Code.

33-B:11 Separate Funds. Any debt service fund, construction fund, debt service reserve fund, depreciation reserve fund or other fund established in connection with the issuance of bonds under this chapter shall be kept separate from other moneys of the municipality. The moneys deposited in any such funds, together with income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the trust or security agreement or resolution establishing such funds.

33-B:12 Trust Funds. All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds, as revenues, or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

33-B:13 Tax Exemption. Bonds issued under this chapter, their transfer and income from them, including any profit made on their sale, shall at all times by exempt from taxation within the state.

33-B:14 Eligible Investments. Bonds issued under this chapter are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or of any political subdivision is now or may hereafter be authorized by law.

33-B:15 Construction and Effect of Other Laws.

I. The provisions of this chapter shall be deemed to provide an additional and alternative method for the effectuation of the purposes of this chapter and shall be construed to be supplemental to, and not in derogation of, powers otherwise conferred by law on municipalities, provided, however, that insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, administrative order or rule or any limitation imposed by a municipality's charter, the provisions of this chapter shall be controlling.

II. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

III. This chapter shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provision of this chapter, all steps shall be taken which are necessary to meet constitutional requirements.

IV. This chapter shall be interpreted liberally to effect the purposes set forth in this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill authorizes any city or town to issue revenue bonds. Such bonds may be issued for the construction of revenue-producing facilities. The amounts of the bonds are determined by

a 2/3 vote of the legislative body of a city or by a 2/3 ballot vote of the legislative body of a town at an annual or special meeting.

This bill includes sections on (1) the costs which may be financed by the issuance of revenue bonds; (2) the securing of revenue bonds by resolution or by trust or security agreements; (3) lines of credit, banking arrangements and insurance which may secure the revenue bonds; (4) the pledge of revenues; and (5) the issuance of refunding bonds.

This bill provides that bonds issued under this chapter are investment securities under the Uniform Commercial Code. Moneys resulting from the issuance of bonds under this chapter are deemed to be trust funds. Bonds issued under this bill are exempt from taxation by the state.

Amendment adopted.

Rep. West offered and amendment.

Amendment

Amend RSA 33-B:5 as inserted by section 1 of the bill by replacing it with the following:

33-B:5 Credit Facilities and Insurance. Any bonds issued under authority of this chapter may be issued by a municipality pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements as the authorized officers may determine to be in the best interests of the municipality. In addition to other security provided herein or otherwise by law, bonds issued by a municipality under this chapter may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the municipality by any bank, trust company or other financial institution, within or without the state, and the municipality may pledge or assign any of the revenues from its revenue-producing facilities as security for the reimbursement by the municipality to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

AMENDED ANALYSIS

As amended, this bill authorizes any city or town to issue revenue bonds. Such bonds may be issued for the construction of revenue-producing facilities. The amounts of the bonds are determined by a 2/3 vote of the legislative body of a city or by a 2/3 ballot vote of the legislative body of a town at an annual or special meeting.

As amended, the reference to agreements with the purchasers or makers of bonds in relation to the issuance of bonds by municipalities under lines of credit or other banking arrangements is deleted.

This bill includes sections on (1) the costs which may be financed by the issuance of revenue bonds; (2) the securing of revenue bonds by resolution or by trust or security agreements; (3) lines of credit, banking arrangements and insurance which may secure the revenue bonds; (4) the pledge of revenues; and (5) the issuance of refunding bonds.

This bill provides that bonds issued under this chapter are investment securities under the Uniform Commercial Code. Moneys resulting from the issuance of bonds under this chapter are deemed to be trust funds. Bonds issued under this bill are exempt from taxation by the state.

Rep. West explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system. Inexpedient to Legislate.

New Hampshire's current boat numbering system is not recognized by other states and is not federally approved. Except for boats operating in our coastal waters, which have "Coast Guard" bow numbers, all of our boats must be re-registered for use in other states which require boat registration.

The Department of Safety has submitted its boat numbering rules, adopted under RSA 270-C, to the United States Coast Guard and requested authority to issue federally authorized bow numbers for boats operating in our coastal waters. Once the Department has this authority and the procedures in place, the Committee believes that it will be easier to expand the numbering system to include the whole state. In the meantime, any New Hampshire boat owners who contemplate using their boats out of state should apply to the United States Coast Guard in Boston for a set of "Coast Guard" bow numbers (presumably to operate a boat in our coastal waters).

In short, the Committee believes that now is not the time to mandate a change. This subject should be re-introduced in the next session. Vote 10-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Rep. Dickinson moved that HB 574 be recommitted to the Committee on Resources, Recreation and Development, and spoke to his motion. Adopted.

VACATE

Rep. Ward moved that the House vacate the reference of HB 790-FN, relative to the public investments study committee, to the Committee on Ways and Means.

Adopted.

The Speaker referred HB 790 to the Committee on Small Business and Consumer Affairs.

The Cheshire County Delegation offered the following:

HOUSE RESOLUTION NO. 58

honoring L. Edward Reyor of Keene.

WHEREAS, having been born and raised in the New Hampshire city of Keene, L. Edward Reyor has devoted twenty-eight years of his life to service in the community, and

WHEREAS, from January 1, 1981 until December 31, 1987, L. Edward Reyor, with great pride and dedication, served the city as Mayor, and

WHEREAS, with equal pride and dedication, L. Edward Reyor also served eighteen years as a City Councilor, two years as a Selectman and two years as Police Commissioner, and

WHEREAS, on a unanimous vote by members of the Keene City Council, the gymnasium in the city's new Recreation Center has been named in honor of L. Edward Reyor, and

WHEREAS, for the twenty-two years between 1959 and 1981, L. Edward Reyor was a faithful and devoted employee of the United States Postal Service, and

WHEREAS, between October, 1942 and November, 1945, L. Edward Reyor served his country as a member of the United States Navy, seeing action in Europe and in the Pacific, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that L. Edward Reyor receive highest accolades for his dedicated service to the City of Keene and to his country, and be it further

RESOLVED, that L. Edward Reyor be saluted for the outstanding civic example he has set, and that a suitable copy of this Resolution be prepared for presentation to him.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, January 12 at 1:00 p.m.

Adopted.

LATE SESSION
Third reading and final passage

HB 499, relative to return of recovered property.

HB 17, relative to building codes in municipalities.

HB 58, relative to the disqualification of local land use board members.

HB 381-FN, relative to growth limitation.

HB 404-FN, establishing a road pay-back fee system.

HB 502, delegating site plan review powers to special site review committees.

HB 564-FN, authorizing any city or town to issue revenue bonds.

SB 147, relative to surety bonds.

HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor.

HB 207-FN, relative to the siting and permitting of solid and hazardous waste disposal facilities.

HB 648-FN, creating a political subdivision waste disposal financial relief study committee and changing a statutory reference in the hazardous waste laws.

Rep. Palumbo moved that the House adjourn to Tuesday, January 12 at 1:00 p.m.

Adopted.

The House adjourned at 3:27 p.m.

HOUSE JOURNAL 3

Tuesday, 12 Jan 88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Nurturing God, who wills wholeness for all Your people, and who calls upon us as Your servants, make us mindful of those whose lives are profoundly affected by what we do this day.

Sometimes we imagine the possibility of utopia, in which all people benefit equally from the bounty. And yet our hard sense of reality reminds us this is not possible. Even so, keep bright our vision of a better world.

Help us, Holy One, to listen carefully, and with open minds. Grant the possibility that we might be surprised by new insights or perspectives. Help us to honor those who see the world differently, and grant us well-earned rest after the long labors of the day. Amen.

Rep. Walter Robinson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lemire, Ann Derosier, Joseph Eaton, Lussier, Mace, Pevear, Schneiderat, Olimpio, Magee, LaMar, Watson and McAvoy, the day, illness.

Reps. Philbrick, Daschbach, Davis, Elizabeth Greene, Durant, Newell, William Dion, Genest, Lionel Boucher, Gerald Smith, Dupont, Burton Knight, Hollingworth, Coulombe, Marilyn Campbell, Wallner, Drake, Daniel Eaton and Bass, the day, important business.

Reps. Bowers and Bennett, the day, death in the family.

Reps. Joseph MacDonald, Corrigan, Boutwell and Wells, the day, illness in the family.

INTRODUCTION OF GUESTS

Wayne MacDonald, nephew of Rep. Maurice MacDonald; Beverly Dingle, Jennifer Daigle and Mark Lloyd, wife, granddaughter and guest of Rep. Dingle; John Lyscars, guest of Rep. Callaghan.

COMMUNICATION

Dear Speaker Scamman:

In accordance with the statutes governing eligibility to serve as an elected official in New Hampshire, I must inform you of my resignation from the New Hampshire General Court, effective immediately.

I no longer reside in the district from which I was elected.

Sincerely,

Rep. Peter Zis

The Rules Committee having approved its admittance, Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1202, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL
First, second reading and referral

HB 1202-FN, requiring additional reports to be filed with the insurance commissioner. (Rep. Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

SENATE MESSAGE
NONCONCURRENCE

HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse."

HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor.

RECALLED FROM COMMITTEE

HB 324-FN-A, establishing a committee to study development issues and their impact on the state environment and its resources, was recalled from the Appropriations Committee.

Question now being, shall HB 324 be ordered to third reading.

Adopted.

HB 324 was ordered to third reading.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility, was removed at the request of Rep. Hatch.

HB 353, relative to condominium conversions and assessing a condominium conversion tax, was removed at the request of Rep. Sytek.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 337-FN-A, establishing an education equalization fund.
Inexpedient to Legislate.

Inadequate information and data - disposition suggested by sponsor.
Vote 16-0. Rep. Howard F. Mason for Education.

HB 430, relative to school employees upon district reorganization.
Inexpedient to Legislate.

The Subcommittee found it would be necessary to rewrite the bill for the correction of the problem. The statewide effect would be extensive for school mergers. This, plus the fact that litigation is moving through the New Hampshire courts from the source of one problem, was of concern to the Committee. Vote 16-0. Rep. Arthur Tufts for Education.

HB 467-FN, changing the cost-sharing formula for the Tilton and Northfield union school district. Ought to Pass with Amendment.

This bill creates enabling legislation that becomes a part of the 1927, 211 Law which defines education costs and funding between the towns of Tilton and Northfield. This bill, as amended, would provide a study committee and procedures of voting which would allow these 2 towns the right to change the existing formula, or keep it. It further gives them the right to modify the formula accordingly. Vote 15-0. Rep. Jacquelyn Domaingue for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the allocation
of funds and costs in the Tilton and Northfield
union school district.

Amend the bill by replacing all after the enacting clause with the following:

1 The towns of Tilton and Northfield shall establish a committee to study how state education funds received by the Winnesquam cooperative school district for Tilton and Northfield are allocated for the payment of educational costs for these 2 towns. The committee shall consist of the following:

I. One member of the school board from each town, appointed by the moderator of that town.

II. One selectman from each town, appointed by the moderator of that town.

III. One resident voter from each town, appointed by the moderator of that town.

2 The focus of the committee's activities shall be:

I. Ascertaining how Tilton and Northfield's share of the state funds for education received by the Winnesquam cooperative school district is presently distributed among the school district's component towns.

II. Ascertaining how the costs for education in the Winnesquam cooperative school district are presently allocated between the towns of Tilton and Northfield, and among the towns that comprise the Winnesquam cooperative school district.

III. Devising a formula by which the funding and costs shall be allocated between the towns of Tilton and Northfield.

3 Meetings; Report. The committee shall have its first meeting within 60 days of the effective date of this act. The committee shall make a report of its findings to the moderators of Tilton and Northfield.

4 Voting. At the next town meetings of both Tilton and Northfield following the report of the committee, the voters of each town shall vote on the question of whether to adopt the formula recommended by the committee. Such question shall be included in the town meeting warrant.

5 Contingency. Notwithstanding any other provision of law, if the formula is adopted at each town meeting by a majority of the voters present at that meeting, that formula shall supersede any inconsistent provision of 1927, 211. If the formula is defeated at either town meeting, that formula shall fail and the education costs and funding shall be distributed as established pursuant to 1927, 211.

6 Review. At any time, the towns of Tilton and Northfield may review their arrangement for sharing education funding and costs, and may, as often as desired, establish a committee in accordance with this

act for the purpose of redefining that arrangement. If all requirements of this act are met, the formula for allocation of educational costs between the towns of Tilton and Northfield shall be modified accordingly.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee for the towns of Tilton and Northfield to study educational costs and the formula under which they share education funds from the state. This committee will be made up of a member from the school boards from each town, a selectman from each town, and a resident voter from each town. The committee's focus will be to make recommendations as to how the funds and costs should be allocated between the 2 towns.

The formula recommended by the committee would be voted on at the next town meeting of each town and, if adopted, would become the arrangement by which funds and costs would be distributed. If the formula fails, then the arrangement would continue as it has been in the past. The towns may establish a committee to review their arrangement at any time.

HB 477-FN, relative to tuition for regional vocational education. Inexpedient to Legislate.

No support for the passage of this message exists. The Subcommittee and full Committee were unanimous for Inexpedient. Vote 16-0. Rep. Arthur Tufts for Education.

HB 524-FN, creating a baccalaureate education system trust. Refer for Interim Study.

The subject of establishing a New Hampshire baccalaureate education trust, a prepaid tuition plan, further study to insure that a New Hampshire plan is developed. It is a timely subject which would offer residents of the State a prepaid education plan, as a means of financing the escalating cost of future college education. Many additional factors of such a program will be studied during the interim to be reported by September 30, 1988 with suggestions for legislation in the 1989 Session. Vote 16-0. Rep. Patricia M. Skinner for Education.

HB 688-FN, allowing the Mascoma Valley regional school district to separate from school administrative unit 32. Inexpedient to Legislate. The Committee felt (as noted in earlier session) the State Board of Education should have an opportunity to address and resolve the issues involved here. The Board has taken on this challenge and this bill is best submitted as Inexpedient to Legislate. Vote 15-0. Rep. Linwood N. Purrington for Education.

HB 551-FN, relative to computer based public records. Ought to Pass with Amendment.

This bill establishes a study group to investigate, recommend and, if necessary, prepare legislation to address the need to continue to provide the public with access to computer records and maintain the public's access under RSA 91-A - "Right-to-Know." Vote 14-0. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee relative to
computer-based public records.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that citizen access to public information is essential if government is to be responsive to the citizenry.

2 Committee Established.

I. There is hereby established a committee to develop a standard data dictionary to make it possible to allow the public greater access to computer-based public records. The members of the committee shall be:

(a) Three members of the house of representatives,
appointed by the speaker of the house.

(b) Three members of the senate, appointed by the
president of the senate.

(c) The commissioner of the department of safety or his
designee.

(d) The commissioner of health and human services or her
designee.

(e) The commissioner of the department of employment
security or his designee.

(f) The commissioner of the department of transportation
or his designee.

(g) The commissioner of the department of education or his
designee.

(h) The commissioner of the department of revenue
administration or his designee.

(i) The commissioner of the department of postsecondary
vocational-technical education or her designee.

(j) A representative of the liquor commission.

(k) A representative from the New Hampshire supreme court.

(l) The state treasurer or her designee.

(m) The director of information services, department of
administrative services, or his designee.

(n) The commissioner of administrative services.

(o) A representative of Honeywell Bull.

(p) A representative of Digital Equipment Corporation.

(q) A representative of International Business Machines.

(r) A representative from Wang Corporation.

(s) A representative from Unisys Corporation.

(t) A representative from Nixdorf Corporation.

II. The members in subparagraph (o) through (t) shall be
appointed by the respective corporations.

III. The commissioner of administrative services shall serve as
chairman of the committee.

3 Duties. The primary duty of the committee shall be to develop a standard data dictionary to make it possible to allow the public greater access to computer-based public records. The standard data dictionary shall make it possible to transfer data between and among the several types of computer configurations, including, but not limited to, personals, stand alone, and main frames.

4 Report. The committee shall submit its findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than December 1, 1988, with proposed legislation for the 1989 legislative session.

- 5 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.
- 6 Tenure. The committee shall cease to exist on December 31, 1988.
- 7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a study committee for the purpose of developing a standard data dictionary to be used to give the public greater access to computer based public records.

The bill requires the committee to submit its report no later than December 1, 1988, to the general court and the governor.

HE 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. Ought to Pass with Amendment. This bill adds "repeated trauma or gradual degeneration" as qualification for accidental disability retirement in the New Hampshire Retirement System. The amendment elaborates on the definition of "repeated trauma or gradual degeneration" and adds a cross-reference to the Workers' Compensation Law. The amendment previously adopted, that requires rule making by the Board of Trustees, is still a part of this bill. Vote 13-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Repeated Trauma Resulting in Disability. Amend RSA 100-A:6, I(c) to read as follows:

(c) Upon the application of a group I member in service or of his employer, any such member who has been totally and permanently incapacitated for duty as the natural and proximate result of *either* an accident occurring while in the actual performance of duty at some definite time and place, *or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment and all the occupational diseases arising out of or in the course of employment as defined by RSA 281:2, V and found to be compensable by the commissioner of labor pursuant to RSA 281:37, provided that such injury shall be without wilful negligence on his part, may be retired by the board of trustees on an accidental disability retirement allowance;* provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent.

2 Repeated Trauma Resulting in Disability. Amend RSA 100-A:6, II(c) to read as follows:

(c) Upon the application of a group II member in service or of his employer, any such member who has been totally and permanently incapacitated for duty as the natural and proximate result of *either* an accident occurring while in the actual performance of duty at some definite time and place, *or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment and all the occupational diseases arising out of or in the course of employment as defined by RSA 281:2, V and found to be compensable by the commissioner of labor pursuant to RSA 281:37, provided that such injury shall be without wilful negligence on his part, may be retired by the board of trustees on an accidental disability retirement allowance;*

provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent.

Referred to Appropriations.

HB 279-FN, creating a board of examiners in ophthalmic dispensing. Refer for Interim Study.

This bill was to license opticians and to authorize the fitting of contact lenses. The Subcommittee met with representatives of the opticians and the optometrists who were unable to resolve their differences to everyone's satisfaction. Rather than have a divisive and counterproductive bill, it was decided to send this for further study. There was no evidence of an immediate problem, but the issue still remains and needs to be addressed in the near future. Vote 19-0. Rep. Marion L. Copenhaver for Health and Human Services.

HB 505, relative to pharmacy patient profile records. Inexpedient to Legislate.

This bill would require pharmacies to maintain a patient profile record wherever legend drugs are dispensed. Testimony was given that roughly 80 percent of the retail pharmacies in New Hampshire maintain such profiles at this time -- voluntarily. Testimony was given which pointed out that many patients change pharmacies from time to time for many different reasons; hence, one pharmacy's record would not necessarily be complete. The Committee felt that to mandate this custom by law would add an expense and not necessarily provide the safeguard to the citizens that is intended. Vote 16-0. Rep. Robert F. Wilson for Health and Human Services.

HB 592-FN, relative to facilities licensed under RSA 151. Refer for Interim Study.

House Bill 592, as written, is a complicated bill that deals with a very critical situation in New Hampshire that must be rectified in some facilities licensed under RSA 151. The Committee is aware of elderly abuse in some nursing homes which do not need to be licensed currently, but in the process of correcting these situations, we must be careful not to tie the hands of other state agencies in placing clients. HB 592 does need further study to produce the desired results. Vote 16-0. Rep. Gertrude I. Butler for Health and Human Services.

HB 401-FN, relative to video tape depositions. Ought to Pass with Amendment.

House Bill 401 makes changes to the current Video Deposition Law. The bill adds the word "trial" so it now reads video tape trial deposition. It allows "the State" to move and "Any victim or other witness" move to take a video tape trial deposition. Also, it allows for support people to be present during the taping along with the victim's parents. These changes should have a positive effect on problems that currently exist. Vote 17-0. Rep. Donalee M. Lozeau for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Taking of Depositions. Amend RSA 517:13 to read as follows:

517:13 Taking of Depositions. The respondent in a criminal case may take the discovery deposition of any person in his defense, upon giving

the same notice of the caption thereof to the prosecutor that is required to be given to the adverse party in a civil case. Any discovery deposition so taken may be used on the trial of the case whenever, in the discretion of the court, the use thereof shall be deemed necessary for the promotion of justice. Notwithstanding this section, no party in a criminal case in which the victim, at the time of the alleged offense, was [under] 16 years of age *or under* shall take the discovery deposition of the victim or any witness who was [under] 16 years of age *or under* at the time of the alleged offense.

2 Video Tape Trial Depositions. RSA 517:13-a is repealed and reenacted to read as follows:

517:13-a Video Tape Trial Deposition Authorized.

I. In any criminal case, the state may move to take a video tape trial deposition of any witness, including the victim, who was 16 years of age or under at the time of the alleged offense. Any victim or other witness who was 16 years of age or under at the time of the offense may also move to take a video tape trial deposition of his testimony. The court shall order a video tape trial deposition if it finds by a preponderance of the evidence that:

(a) The child will suffer emotional or mental strain if required to testify in open court; or

(b) Further delay will impair the child's ability to recall and relate the facts of the alleged offense.

II. A video tape trial deposition taken pursuant to this section shall be conducted before the judge or court-appointed master, at such a place as ordered by the court, in the presence of the prosecutors, the defendant and his attorneys, and such other persons as the court allows. Examination and cross-examination of the child shall proceed in the same manner as permitted at trial. Such deposition shall be admissible into evidence at trial in lieu of any other testimony by the child.

III. Unless otherwise ordered by the court for good cause shown, no victim or witness whose deposition is taken pursuant to this section shall be required to appear or testify at trial.

IV. Any witness who is 16 years of age or under shall be allowed to have either his parent or any other appropriate adult, or both, present during his testimony.

V. The supreme court shall make any rules necessary to implement the provisions of this section.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, prohibits the taking of discovery depositions in criminal cases of any victim or witness who was 16 years of age or under at the time of the alleged offense. Currently, discovery depositions may be taken of a victim or witness who was under 16 years of age at the time of the alleged criminal offense.

This bill eliminates the presumption in criminal cases that video tape trial depositions will be taken of witnesses under 13 years of age. This bill also restricts those parties who may move for a video tape trial deposition to be taken and used at trial to the state or the witness himself. Currently any party, including the defendant, may move to take a video tape trial deposition.

This bill is a request of the department of justice.

HB 602-FN, allowing a limited privilege driver's license to be issued after certain DWI license revocations. Refer for Interim Study. The Committee wants to study further the impact of changes in driver licensing procedures for persons convicted of DWI. Vote 16-0. Rep. Alf E. Jacobson for Judiciary.

SB 239-FN, relative to electronic privacy. Ought to Pass with Amendment.

This bill changes the definition for the term "Intercept." It sets forth proper language for legal use of such instruments as "beepers." It adds to the statute as new crimes under the Electronic Privacy Act for (1) tampering with witnesses and informants; (2) aggravated felonious sexual assault; and (3) felonious sexual assault. Vote 11-1. Rep. C. William Johnson for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; "Intercept". Amend RSA 570-A:1, III to read as follows:

III. "Intercept" means the aural *or other* acquisition of, *or the recording of*, the contents of any wire or oral communication through the use of any electronic, mechanical, or other device.

2 Definition; "Electronic, Mechanical, or Other Device". Amend RSA 570-A:1, IV(a)(1) to read as follows:

(1) Furnished to the subscriber or [used] *user* by a communication carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business *or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business in accordance with applicable provisions of telephone and telegraph company rules and regulations, as approved by the public utilities commission;*

3 New Paragraph; Interception and Disclosure of Wire or Oral Communications Prohibited. Amend RSA 570-A:2 by inserting after paragraph I the following new paragraph:

I-a. A person is guilty of a misdemeanor if, except as otherwise specifically provided in this chapter or without consent of all parties to the communication, he knowingly intercepts a wire or oral communication when he is a party to the communication or with the prior consent of one of the parties to the communication, but without the approval required by RSA 570-A:2, II(d).

4 Authorization for Interception of Wire or Oral Communications. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Wire or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of wire or oral communications by law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, robbery as defined in RSA [636] 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, *tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, or dealing in narcotic drugs, marijuana, or other dangerous drugs, or any conspiracy to commit any of the foregoing offenses.*

5 New Chapter; Pen Register, Trap and Trace Devices. Amend RSA by inserting after chapter 570-A the following new chapter:

CHAPTER 570-B
PEN REGISTER, TRAP AND
TRACE DEVICES

570-B:1 Definitions. As used in this chapter:

I. "Wire communication" has the meaning set forth in RSA 570-A:1.

II. "Judge of competent jurisdiction" means a judge of the superior court.

III. "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

IV. "Trap and trace device" means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire communication was transmitted.

570-B:2 General Prohibition on Pen Register and Trap and Trace Devices.

I. Except as otherwise provided in this chapter, a person is guilty of an offense if he installs or uses a pen register or a trap and trace device without first obtaining a court order under this chapter.

II. The offense is a misdemeanor if the violation of this chapter is a first offense. If the violation of this chapter is a second or subsequent offense, the person shall be guilty of a class B felony.

570-B:3 Exception. The prohibition of RSA 570-B:2, I does not apply with respect to the use of a pen register or a trap and trace device by a provider of wire communication service:

I. Relating to the operation, maintenance, and testing of a wire communication service or to the protection of the rights of or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service; or

II. To record the fact that a wire communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful, or abusive use of that service; or

III. Where the consent of the user of that service has been obtained.

570-B:4 Application for an Order for a Pen Register or a Trap and Trace Device.

I. The attorney general or the deputy attorney general may make an application to the superior court for an order or an extension of an order under RSA 570-B:5, authorizing or approving the installation and use of a pen register or a trap and trace device under this chapter, in writing under oath or equivalent affirmation to a court of competent jurisdiction.

II. An application under this chapter shall include:

(a) The identity of the attorney for the state making the application and the identity of the law enforcement agency conducting the investigation; and

(b) A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

570-B:5 Issuance of an Order for a Pen Register or a Trap and Trace Device.

I. Upon an application made under RSA 570-B:4, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the state if the court finds that the attorney general or deputy attorney general has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

II. An order issued under this section shall specify:

(a) The identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached;

(b) The identity, if known, of the person who is the subject of the criminal investigation;

(c) The number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order; and

(d) A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates; and shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device.

III.(a) An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed 60 days.

(b) Extensions of such an order may be granted, but only upon an application for an order under RSA 570-B:4 and upon the judicial finding required by RSA 570-B:5. The period of extension shall be for a period not to exceed 60 days.

IV. An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

(a) The application and order be sealed until otherwise ordered by the court; and

(b) The person owning or leasing the line to which the pen register or a trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

570-B:6 Assistance in Installation and Use of a Pen Register or a Trap and Trace Device.

I. Upon the request of an attorney for the state or an officer of a law enforcement agency authorized to install and use a pen register under this chapter, a provider of wire communication service, landlord, custodian, or other person shall furnish such investigative or law enforcement officer forthwith all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such assistance is directed by a court order as provided in RSA 570-B:5, II.

II. Upon the request of an attorney for the state or an officer of a law enforcement agency authorized to receive the results of a trap and trace device under this chapter, a provider of wire communication service, landlord, custodian, or other person shall install such device forthwith on the appropriate line and shall furnish such investigative or law enforcement officer all additional information, facilities, and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that

the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such installation and assistance is directed by a court order as provided in RSA 570-B:5, II. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of a law enforcement agency designated in the court order, at reasonable intervals during regular business hours for the duration of the order.

III. A provider of a wire communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for such reasonable expenses incurred in providing such facilities and assistance.

IV. No cause of action shall lie in any court against any provider of a wire communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of the court order under this chapter.

V. A good faith reliance on a court order or a legislative authorization is a complete defense against any civil or criminal action brought under this chapter or any other law.

570-B:7 Reports Concerning Pen Registers and Trap and Trace Devices. On or before December 1 of each odd numbered year, the attorney general shall include in the report required of him by RSA 7:31, a report concerning the number of pen register orders and orders for trap and trace devices applied for by the department of justice.

6 New Subparagraph; Warning Subject of Surveillance. Amend RSA 642:3, I to read as follows:

I. A person is guilty of an offense if, with a purpose to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he:

- (a) Harbors or conceals the other; or
- (b) Provides such person a weapon, transportation, disguise or other means for avoiding discovery or apprehension; or
- (c) Warns such person of impending discovery or apprehension; or
- (d) Conceals, destroys or alters any physical evidence that might aid in the discovery, apprehension or conviction of such person; or

(e) Obstructs by force, intimidation or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person[.]; or

(f) *Having knowledge that an investigative or law enforcement officer has been authorized or has applied for authorization under RSA 570-A to intercept a wire or oral communication, or under RSA 570-B to install and use a pen register or trap and trace device, gives notice of the possible interception or installation and use to any person.*

7 Repeal. The following are repealed:

I. RSA 570-A:1, XII, relative to the definition of a "pen register device".

II. RSA 570-A:9-a, relative to authorization for installation and use of pen register devices.

8 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, redefines certain terms in the current law governing wiretapping and eavesdropping. This bill expands the number of crimes for which evidence may be gathered by law enforcement officials by intercepting wire or oral communications.

This bill inserts new provisions on the use of pen registers or trap and trace devices. It provides a procedure for application by the attorney general for a court order to install a pen register or trap and trace device. It establishes requirements for the issuance of such order by the superior court and for persons assisting law enforcement officials in the installation of pen registers or trap and trace devices. This bill makes it a criminal offense to install pen registers and trap and trace devices in violation of the provisions of this bill or to give notice to any person of an interception or installation ordered under the provisions of this bill.

This bill is a request of the department of justice.

HB 12, recodifying the workers' compensation law. Ought to Pass with Amendment.

This bill was worked on during the summer by Attorney James Sweeney, Ann Crane of the Labor Department, and Avis Nichols, Chair of the Labor, Industrial and Rehabilitative Services Committee after which the Labor Committee worked on the bill to address all concerns raised. Vote 11-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Amendment

1 Purpose; Meaning Unchanged; No Jobs Lost.

I. It is the intent of the legislature in enacting RSA 281-A to preserve the content of RSA 281. RSA 281 is repealed by this act, but RSA 281-A is a reenactment of the substance of RSA 281. RSA 281-A should not be interpreted as containing new material or making substantive changes. It is merely a reorganization and new designation of the material that already existed as RSA 281. The redesignation of the workers' compensation law as 281-A is done merely to prevent the confusion that could have occurred had RSA 281 been renumbered. To eliminate this possibility, the entire workers' compensation law has been redesignated as RSA 281-A.

II. It is the intent of the legislature to enact into law a rewriting of the workers' compensation law in clear, readable language for the benefit of citizens of this state who are affected by the law. RSA 281-A leaves what was in RSA 281 in a similar order as an aid to those who have worked extensively with RSA 281. At the same time, RSA 281-A shortens, clarifies, and corrects grammatically what was in RSA 281 as an aid to those who are not familiar with the workers' compensation law.

III. It is not the intent of the legislature that by the enactment of RSA 281-A any employee of any department or agency of state government shall lose a job or shall gain a job in any manner different from what did happen or could have happened when the workers' compensation law was designated as RSA 281. Members of the advisory council prior to the enactment of RSA 281-A shall retain their positions and be replaced or reappointed on the same schedule as if RSA 281 were still in effect.

2 New Chapter. Amend RSA by inserting after chapter 281 the following new chapter:

CHAPTER 281-A WORKERS' COMPENSATION

281-A:1 Title. This chapter shall be known as the "Workers' Compensation Law."

281-A:2 Definitions. Any word or phrase defined in this section shall have the same meaning throughout RSA 281-A, unless the context clearly requires otherwise:

I. "Call or volunteer firefighter" means a firefighter who is not regularly employed by a fire department of any city, town or precinct in the state but who answers for duty only to fire alarms and who has been appointed by the fire department with which the firefighter serves and is a member of the New Hampshire State Firemen's Association.

II. "Commissioner" means the labor commissioner appointed as provided in RSA 273.

III. "Contractor" means a person or organization which contracts with another to have work performed of a kind which is a regular and recurrent part of the work of the trade, business, occupation or profession of such person or organization performing the work.

IV. "Subcontractor" means a person who contracts with a contractor to perform the work described in paragraph III.

V. "Dependent" means the employee's widow, widower, children, parents, persons in the direct line of ascent or descent, or next of kin, who were wholly or partially dependent, in fact, upon the earnings of the employee for support at the time of the injury. A common law wife or husband of the deceased and posthumous children shall fall within the meaning of this paragraph.

VI. "Employee", with respect to private employment, means any person in the service of an employer subject to the provisions of this chapter under any express or implied, oral or written contract of hire except a railroad employee engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act. If they elect to be personally covered by this chapter, "employee" includes persons who regularly operate businesses or practice their trades, professions, or occupations, whether individually, or in partnership, or association with other persons, whether or not they hire others as employees.

VII. "Employee", with respect to public employment, means:

(a) Any person in the service of an employer, as defined in RSA 281-A:2, IX, including members of the general court, under any express or implied contract of hire and every elected or appointed official or officer of the state or any political subdivision or agency thereof while performing official duties.

(b) Any person who is a call firefighter or special police officer, volunteer or auxiliary member of a fire or police department, ambulance or rescue service, or the state police, whether paid or not paid. For the purposes of this chapter, such a person shall be deemed to be an employee of the political subdivision of the state in which the department is organized.

(c) Any person who is a regularly enrolled volunteer member or trainee of the emergency management corps of this state as established under the state emergency management act. For the purposes of this chapter, such a person shall be deemed to be an employee of the state.

(d) Any person who fights a forest or other type of fire and who is either voluntarily under the direction of those authorized to give direction in the fighting of fires or who is under statutory compulsion to fight fires pursuant to RSA 224:11 and 12, or RSA 154:7, 8, and 9. For the purposes of this chapter, such a person shall be deemed to be an employee of the state with respect to fires fought under the provisions of RSA 224 and deemed to be an employee of the municipality in which the fire is fought with respect to fires fought under the provisions of RSA 154.

(e) Any person who assists in a search for or an attempted rescue or rescue of another pursuant to RSA 206:26, XII, after January 1, 1982, and who is voluntarily under the direction of those authorized to give direction in searching for or attempting to rescue or rescuing another. A person who assists in the search for or attempted rescue or rescue of another shall, solely for the purposes of this chapter and not otherwise, be deemed to be an employee of the state with respect to such

activity. Any payments required to be made as a result of this paragraph shall be a charge against the general fund.

VIII. "Employer," with respect to private employment, means:

(a) A person, partnership, association, corporation, or legal representative of a person, partnership, association or corporation who employs one or more persons whether in one or more trades, businesses, professions or occupations and whether in one or more locations. In determining the number of persons employed, there shall be included persons whose contract of employment was entered into outside the state if such persons are actually employed on work in this state. For the purpose of determining the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and bylaws of a corporation shall not be considered to be employees, except that any executive officers in excess of 3 shall be counted as employees.

(b) Any other employer who may elect to accept the provisions of this chapter in accordance with RSA 281-A:3.

(c) Except where the context specifically indicates otherwise, the term employer as used in paragraph VIII shall be deemed to include the employer's insurance carrier.

IX. "Employer", with respect to public employment, means the state, any agency of the state, any county, city, town, school district, sewer district, drainage district, water district, public or quasi-public corporation, or any other political subdivision of any of these that has one or more employees subject to this chapter. Except where the context specifically indicates otherwise, the term employer as used in this paragraph shall be deemed to include the employer's insurance carrier.

X. "Farm" means the operation of farm premises, and includes the planting, cultivating, producing, growing and harvesting of farming commodities thereon; the raising of livestock and poultry thereon; and any work performed as an incident to or in conjunction with such farm operations. It does not include the operations and activities of employers identified as florists, flower shops, and greenhouses.

XI. "Injury" or "personal injury" as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment and a death or any occupational disease arising out of and in the course of employment, including disability due to radioactive properties or substances or exposure to ionizing radiation.

XII. "Insurance carrier" shall include any corporation licensed to sell insurance in this state from which an employer has obtained a workers' compensation insurance policy in accordance with the provisions of this chapter.

XIII. "Occupational disease" means an injury arising out of and in the course of the employee's employment and due to causes and conditions characteristic of and peculiar to the particular trade, occupation or employment. It shall not include other diseases or death from them unless they are the direct result of an accidental injury arising out of or in the course of employment, nor shall it include either a disease which existed at commencement of the employment or a disease to which the last injurious exposure to its hazards occurred prior to August 31, 1947.

XIV. "Permanent physical or mental impairment", as used in RSA 281-A:54, means any permanent condition that is congenital or due to injury or disease and that is of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining employment if the employee should become unemployed.

XV. "Wages" means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel or a similar advantage received from the employer and gratuities received in the course of employment from others than the employer; but "wages" shall not include any sum paid by the employer to the employee to cover any

special expenses incurred by the employee because of the nature of the employment.

281-A:3 Election by Employer Not Subject to Law. Any employer, not subject to the provisions of this chapter, may accept its provisions by purchasing valid workers' compensation insurance applicable to the employment. Such employer shall thereafter be liable to all employees in the same manner as subject employers during the period when such insurance remains in force. During such time, employees of such employer shall be subject to the provisions and limitations of RSA 281-A:8.

281-A:4 Posting of Notice by Employer. Every employer subject to this chapter, or who elects to accept its provisions, shall keep posted in a conspicuous place upon the premises a notice that the employer is working under the provisions of RSA 281-A. If any employer fails to post such notice or to keep it posted, such employer shall be guilty of a violation for each day of such failure. This section shall not apply to employers who are subject to this chapter only because they employ domestics.

281-A:5 Securing Payment of Compensation. An employer subject to this chapter shall secure compensation to employees in one of the following ways:

I. By insuring and keeping insured the payment of such compensation with a company licensed to write workers' compensation insurance in this state and filing with the commissioner, in a form prescribed by the commissioner, evidence of such coverage as the commissioner deems appropriate.

II. By insuring and keeping insured the payment of compensation to domestic employees with a company providing workers' compensation insurance in accordance with RSA 281-A:6.

III. By furnishing to the commissioner satisfactory proof of financial ability to pay compensation directly to an employee when due in the amounts and manner as provided in this chapter.

IV. In the case of employees of the state, compensation shall be made as provided in RSA 21-I:24 and 25.

281-A:6 Securing Payment of Compensation for Domestics.

Notwithstanding any other provision of this chapter, of title XXXVII, or of any other law to the contrary, all insurance companies authorized to provide comprehensive personal liability, tenant's or homeowner's insurance in this state shall, in connection with such insurance, provide workers' compensation insurance covering domestics unless the employer has a separate policy of workers' compensation insurance covering domestics. Such insurance companies shall not be subject to RSA 281-A:9 or to the financial or other requirements with respect to workers' compensation insurance in addition to those requirements for writing comprehensive personal liability, tenant's or homeowner's insurance. Premium rates and policy forms or endorsements used by a company to provide workers' compensation insurance in accordance with the provisions of this section shall be subject to the approval of the insurance commissioner.

281-A:7 Liability of Employer Failing to Comply.

I. An employer subject to this chapter who fails to comply with the provisions of RSA 281-A:5 by not securing payment of compensation shall be assessed a civil penalty of \$500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance beginning on the date of written notification by the commissioner. An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be assessed a civil penalty of \$10 for each day of noncompliance beginning on the date of the commissioner's written notification to the carrier. The commissioner shall deposit all moneys collected under this section with the state treasurer.

II. In addition to the assessment of civil penalties, the commissioner may also proceed in the superior court to restrain and prohibit an employer subject to this chapter from conducting business in this state for so long as the employer fails to comply with the provisions of RSA 281-A:5. If the commissioner seeks a temporary injunction pending a hearing on the merits, the superior court shall issue such an injunction ex parte upon prima facie evidence offered in support of the petition.

III. An employee of an employer failing to comply with the provisions of RSA 281-A:5, or dependents of such employee if death ensues, may file an application with the commissioner for compensation in accordance with the terms of this chapter. The commissioner shall hear and determine such application for compensation in like manner as other claims. The employer shall pay the compensation so determined to the person entitled to it no later than 10 days, excluding Sundays and holidays, after receiving notice of the amount of compensation as fixed and determined by the commissioner. The commissioner shall file an abstract of the award in the office of the clerk of the superior court in any county in the state. The clerk of that court shall docket such abstract in the judgment docket of that court, and such abstract shall be a lien upon the property of the employer situated in the county for a period of 8 years from the date of the award. The commissioner shall instruct the sheriff of the county to levy execution as soon as possible thereafter, but no later than 8 years, in the same manner and with like effect as if the award were a judgment of the superior court.

IV. As an alternative to the procedure afforded in paragraph III, an employee of an employer failing to comply with the provisions of RSA 281-A:5, or dependents of that employee if death ensues, may pursue any available remedy at law, free of the waivers and immunities conferred by RSA 281-A:8.

V. Any agency or political subdivision of the state, before awarding any contract involving labor to a person who is an employer subject to this chapter, shall require that person to supply satisfactory proof that he or she has secured payment of compensation in accordance with the provisions of RSA 281-A:10 in connection with activities which the person proposes to undertake pursuant to the contract.

281-A:8 Employees Presumed to Have Accepted.

I. An employee of an employer subject to this chapter shall be conclusively presumed to have accepted the provisions of this chapter and, on behalf of the employee or the employee's, personal or legal representatives, to have waived all rights of action whether at common law or by statute or otherwise:

(a) Against the employer or the employer's insurance carrier; and

(b) Except for intentional torts, against any officer, director, agent, servant or employee acting on behalf of the employer or the employer's insurance carrier.

II. The spouse of an employee entitled to benefits under this chapter, or any other person who might otherwise be entitled to recover damages on account of the employee's personal injury or death, shall have no direct action, either at common law or by statute or otherwise, to recover for such damages against any person identified in subparagraph I(a) or (b).

281-A:9 Termination Notices. In all instances in which an insurance carrier is to cease providing workers' compensation insurance to an employer, whether by reason of cancellation or otherwise, such insurance carrier shall file a written termination notice with the commissioner and shall send a copy of the notice to the employer. Terminations shall take effect no sooner than the earliest of the following:

I. In case of termination for nonpayment of premium, 30 days after the date the termination notice is filed.

II. In case of termination for reasons other than nonpayment of premium, 45 days after the date the termination notice is filed.

III. In any case, the date on which the employer has obtained new coverage from another insurance carrier or on which the employer has qualified as a self-insurer under RSA 281-A:5, III.

281-A:10 Notice of Revocation. Revocation of coverage under RSA 281-A:3 by termination of workers' compensation insurance shall be effective 30 days after the filing of a termination notice with the commissioner.

281-A:11 Self-insurance for Public Employers. Any public employer as defined in RSA 281-A:2, IX may, subject to RSA 281-A:5, IV and the rules adopted to enforce that section, self-insure for workers' compensation coverage as follows:

I. If a public employer chooses to self-insure for workers' compensation coverage, the legislative body of that employer shall appropriate sufficient funds to implement a self-insurance program including, but not limited to, legal costs, benefits, and administrative costs.

II. The amount of appropriated funds shall be based on an actuarial determination of the amounts needed for self-insurance purposes. Any appropriated funds that are not encumbered under this section at the end of the fiscal year may be transferred to the general fund of the public employer.

III. Each year, as actuarially determined, the legislative body shall appropriate sufficient funds to create a financial reserve until all outstanding claims are disposed of. If additional funds are needed to increase the loss fund in any given year, the legislative body shall appropriate such funds as are necessary.

IV. Any income from investment of the loss fund may be returned annually to the general fund of the public employer or may be applied to the ensuing year's appropriation to the loss fund.

V. A public employer may also purchase from an insurance carrier such levels of insurance as it deems appropriate to provide coverage in excess of the amount in the loss fund.

281-A:12 Injuries Outside the State.

I. If an employee is injured while employed elsewhere than in this state, and is injured under circumstances that would have entitled the employee or a dependent to workers' compensation under this chapter had such employee been injured in this state, then such employee or dependents of such employee shall be entitled to workers' compensation as provided in this chapter:

(a) If the employee or the employee's dependents release the employer from all liability under any other workers' compensation law;

(b) If the employer is engaged in business in this state;

(c) If the contract of employment was made in this state;

and

(d) If the contract of employment was not expressly for service exclusively outside of this state.

II. However, recovery of damages in an action at law or recovery of workers' compensation under the law of any other state shall bar recovery of workers' compensation under the law of this state.

281-A:13 Liability of Third Person.

I.(a) An injured employee, in addition to the benefits of this chapter, may obtain damages or benefits from or proceed at law or otherwise against another person to recover damages or benefits if:

(1) An injury for which compensation is payable under the provisions of this chapter has been sustained; and

(2) The circumstances of the injury create in another person a legal liability to pay damages in respect thereto, or a contractual obligation to pay benefits under the uninsured motorist provision of any motor vehicle insurance policy; and

(3) The action has not been barred under RSA 281-A:8.

(b) The employer, or the employer's insurance carrier, shall have a lien on the amount of damages or benefits recovered by the employee, less the expenses and costs of action, to the extent of the compensation, medical, hospital, or other remedial care already paid or agreed or awarded to be paid by the employer, or the employer's insurance carrier, under this chapter, less the employer's or the employer's insurance carrier's pro rata share of expenses and costs of action as determined in paragraph IV.

II(a). The administrator of an employee's estate may, in addition to damages or benefits obtained under this section payable to the employee's dependents, obtain damages or benefits from or proceed at law or otherwise against another person to recover damages benefits if:

(1) The death of the employee has resulted under circumstances creating in another person a legal liability to pay damages in respect thereto, or a contractual obligation to pay benefits under the uninsured motorist provisions of any motor vehicle insurance policy;

(2) The action has not been barred under RSA 281-A:8;
and

(3) Damages or benefits obtained under this section shall be in addition to the benefits of this chapter payable to the employee's dependents.

(b) The employer, or the employer's insurance carrier, shall have a lien on the amount of damages or benefits recovered which remain after deduction of such of the expenses itemized in RSA 556:14 as are not paid by the employer of the employer's insurance carrier, and after deduction of the distributive share of any person to whom nothing is payable under RSA 281-A:26, to the extent of the compensation, medical, hospital, or other remedial care and funeral expenses already paid or agreed or awarded to be paid by the employer, or the employer's insurance carrier, under this chapter.

III.(a) No settlement by an employee or, in case of death, by the administrator of the employee's estate, of the employee's or said administrator's claim for damages or benefits at law or otherwise against such third person shall be binding until approved by the commissioner or, if an action has been brought, by the court or arbitration proceeding in which such action is pending or to which the writ is returnable. The commissioner or the court or the arbitrator, as the case may be, shall make provisions for payment to the employer or the employer's insurance carrier of the amount of the lien after expenses and costs of action have been paid.

(b)(1) In any case in which the employee or, in case of death, the administrator of the employee's estate neglects to exercise the employee's right of action by failing to proceed at law or otherwise against such third person for a period of 9 months after the injury, the employer or the employer's insurance carrier may so proceed and shall be subrogated to the rights of the injured employee or, in case of death, to the rights of the administrator to recover against such third person.

(2) If the employer or the employer's insurance carrier recovers from such other person damages or benefits, after expenses and costs of action have been paid, in excess of the amount of the lien as defined in this section, then any such excess shall be paid to the injured employee or, in case of death, to the administrator of the employee's estate for distribution in accordance with the provisions of RSA 556:14.

(c) The procedure for approval of a settlement and for safeguarding the rights of the employee or, in case of death, the rights of the administrator of the employee's estate in such cases shall be the same as is provided for protecting the rights of the employer or the employer's insurance carrier in case of a settlement made or an action at law or otherwise brought by the employee or the administrator of the employee's estate under this section.

IV. Whenever there is a recovery against a third person under paragraph I, II, or III, the commissioner, the arbitrator, or the superior court, as the case may be, shall order such division of expenses and costs of action, including attorneys' fees, between the employer or the employer's insurance carrier and the employee as justice may require.

V. Whenever the lien created by paragraphs I, II, or III is in the state of New Hampshire by virtue of benefits paid to or on behalf of a state employee, the governor and council, upon petition by the injured employee, may, in their discretion, waive all or part of the lien.

281-A:14 Employee's Fault. The employer shall not be liable for any injury to a worker which is caused in whole or in part by the intoxication or by the serious and willful misconduct of the worker. The provision as to intoxication shall not apply, however, if the employer knew that the employee was intoxicated.

281-A:15 Computing Average Weekly Wages.

I. Except as provided in paragraphs II and III, an average weekly wage shall be computed by using the method in subparagraph (a), (b), or (c) that yields the result more favorable to the injured employee:

(a) By dividing the gross earnings of the injured employee in the service of the same employer during the preceding 12 weeks by that number of weeks; or

(b) By dividing the gross earnings of the injured employee in the service of the same employer during a period exceeding 12 weeks but not exceeding 52 weeks by the appropriate number of weeks.

(c) If, however, by reason of the shortness of time during which the employee has been in the employment of the employer or because of the nature or term of the employment, it is inequitable to compute the average weekly wage using the method in either subparagraph (a) or (b), regard may be had to the rate of pay designated in the injured employee's agreement of employment or to the gross earnings of persons in the same grade employed at the same work by the same employer or, if there are no persons so employed, by persons of the same grade employed in the same class of employment in the same locality.

II. The average weekly wage for any of the following injured while on duty shall be deemed to be the average weekly wage that entitles such employee to 100 percent of the state's average weekly wage as a maximum benefit:

(a) Any call firefighter or special police officer, volunteer or auxiliary member of a fire or police department or ambulance or rescue service of the state or any of its political subdivisions, whether paid or not paid.

(b) Any paid or not paid employee as defined by RSA 281-A:2, VII(d) or (e).

(c) Members of the state militia, as defined by RSA 110-B.

(d) Any member of the general court injured in the performance of the duties as such a member.

281-A:16 Determining Date of Injury for Occupational Disease. For the purpose of determining the date of injury for an occupational disease, the date of injury shall be taken to be the last date of injurious exposure to the hazards of such disease or the date on which the employee first knew or reasonably should have known of the condition and its relationship to the employee's employment, whichever is the later.

281-A:17 Firefighter and Heart, Lung, or Cancer Disease.

I. Notwithstanding the provisions of RSA 281-A:2, XIII, 16 and 27, there shall exist a prima facie presumption that heart or lung disease in a regular, call, volunteer or retired member of a fire department is occupationally related. However:

(a) A call or volunteer firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that such firefighter was free of such disease at the beginning of his or her employment. It shall be the duty of the employer

of a call or volunteer firefighter to provide that reasonable medical evidence. If the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of the reasonable medical evidence.

(b) A retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the prima facie presumption only during the period of time of 5 years from the effective date of such firefighter's retirement.

(c) The benefits of RSA 281-A:17, I shall not continue in effect beyond one month after a call, volunteer or permanent firefighter reaches his or her sixty-fifth birthday.

II. Notwithstanding the provisions of the paragraph I, there shall exist a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or retired member of a fire department, is occupationally related. In order to receive this occupational cancer disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. However:

(a) A call or volunteer firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that such firefighter was free of such disease at the beginning of his or her employment. It shall be the duty of the employer of call or volunteer firefighters to provide the required reasonable medical evidence. If the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of said reasonable medical evidence.

(b) A retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of such firefighter's retirement.

281-A:18 Contractor's Liability for Subcontractors. A contractor who subcontracts all or any part of a contract shall bear the liability of the subcontractor of that contract for the payment of compensation under this chapter to the employees of the subcontractor, unless the subcontractor has secured the payment of compensation as provided for in this chapter. Any contractor who shall become liable for compensation under this section may recover the amount of the compensation paid and necessary expenses from the subcontractor. For the purposes of this section, a contractor shall be defined as provided in RSA 281-A:2, III or as a person or organization which contracts with another to have work performed consisting of the removal, excavation or drilling of soil, rock or minerals, or the cutting or removal of timber from land and work done in connection with and in or about the area of such cutting or removal, other than the owner of the land containing such soil, rock or minerals or timber. For the purposes of this section, a subcontractor shall be defined as provided in RSA 281-A:2, IV and shall include a subcontractor of a contractor as defined in this section.

281-A:19 Notice of Injury. Claims for benefits under this chapter shall be barred unless notice of injury is given to the employer within 2 years from the date of the injury; provided, however, that if the nature of the injury and its possible relationship to the employment are not known to the employee, the time for filing notice shall not begin to run until the earlier of the following:

I. The date the employee knows, or by reasonable diligence should know, of the nature of the injury and its possible relationship to the employment; or

II. In the event of death, the date any dependent knows, or by reasonable diligence should know, of the nature of the injury and its possible relationship to the employee's employment.

281-A:20 Contents of Notice. Notice of injury in writing on a form prescribed by the commissioner shall apprise the employer of the injury and shall state the name and address of the worker injured and the date and place of the accident. The employee shall execute the notice in duplicate and sign both copies. The employer shall acknowledge receipt of the notice by signing on both the original and the duplicate, and the employee shall retain the duplicate.

281-A:21 Service of Notice. The employee may serve the notice personally or send it by certified mail addressed to the employer at the employer's last known residence or place of business.

281-A:22 Waiting Period. An employer subject to this chapter shall pay workers' compensation to an employee sustaining a personal injury during a period of total or partial disability, but not for the first 3 days of disability unless the disability continues for 7 days or longer.

281-A:23 Medical, Hospital, and Remedial Care.

I. An employer subject to this chapter, or the employee's insurance carrier, shall furnish or cause to be furnished to an injured employee reasonable medical, surgical, and hospital services, remedial care, nursing, medicines, and mechanical and surgical aids for such period as the nature of the injury may require. The injured employee shall have the right to select his or her own physician.

II. The employer, or the employer's insurance carrier, shall pay the cost of artificial limbs, eyes, teeth, orthopedic appliances, and physical and surgical aids made necessary by such injury; and shall pay the cost of replacement or repair when such is made necessary by wear and tear or by physical change in the person. If an employee by accident arising out of and in the cause of the employment has suffered the loss of glasses, false teeth, an artificial member, or hearing aid, the employer shall pay the employee an amount equal to the value of the property so lost.

III. If any of the foregoing objects are in existence at the time of the injury and are damaged or destroyed as a result of an injury, the employer, or the employee's insurance carrier, shall pay the cost of repair or replacement.

281-A:24 Reasonable Value of Services.

I. Whenever an injured employee receives medical and hospital service or other remedial care under the provisions of this chapter and a dispute arises between the employer and the person, firm, or corporation rendering such service or care as to the reasonable value of the service or care, the commissioner shall have exclusive jurisdiction to determine the reasonable value of such service or care.

II. Any interested party may petition for a hearing, and all interested parties shall be entitled to notice and hearing. In addition, the commissioner may consult with not less than 3 members of the same profession as the creditor concerned in the subject dispute and thereafter determine the reasonable value for such service or care.

III. Each of the following 4 organizations shall be entitled to submit to the commissioner the names of 10 members of its organization who shall comprise a panel from which the commissioner shall choose individuals with whom to consult: the New Hampshire Medical Society, the New Hampshire Osteopathic Society, the New Hampshire Dental Society, and the New Hampshire Chiropractic Association. No individual who is not engaged full time in the private practice of his profession shall be eligible for membership on any of the panels.

IV. Nothing in this section shall be construed to bar the commissioner, for purposes of complying with this section, from consulting with any other professional individual as long as that individual shall be engaged in the private practice of a profession and shall be employed neither by the employer of the patient nor by any party or agent acting on behalf of the employer.

V. Following the hearing and such further investigation as the commissioner may choose to conduct, the commissioner shall make findings as to the reasonable value of such service or care rendered. Such findings shall be final.

281-A:25 Vocational Rehabilitation.

I. If, as a result of an injury covered by this chapter, an employee is unable to perform work for which he or she has previous training or experience, the employee shall be entitled to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore such employee to suitable employment. If such services are not voluntarily offered by the employer or the carrier and accepted by the employee, the commissioner, if necessary through informal hearing affording all parties an opportunity to be heard on the question, may refer the employee to a qualified physician or appropriate facility for evaluation of the practicability of, need for, and kind of service, treatment, or training necessary and appropriate to render the employee fit for a remunerative occupation.

II. Upon receipt of such findings and after affording all parties an opportunity to be heard thereon, the commissioner may order that the services and treatment recommended or such other rehabilitation treatment or service the commissioner may deem necessary be provided at the expense of the employer.

III. Vocational rehabilitation training, treatment or service shall not extend for a period of more than one year, except that in unusual cases by special order of the commissioner, after informal hearing, the period may be extended as is deemed to be reasonable and necessary to accomplish a successful result.

IV. If vocational rehabilitation requires residence at or near a facility or institution which is away from the employee's customary residence, the employer shall pay the reasonable cost of the employee's board, lodging, or travel, or any combination of these. In addition, the employer, or its insurance carrier, shall pay the reasonable cost for books, tools or other basic materials required in such rehabilitation process.

V. If an employee refuses to accept vocational rehabilitation ordered by the commissioner, the employee may lose compensation for each week of the refusal if the commissioner so directs.

VI. To carry out the provisions of this section, there is hereby created within the workers' compensation division a staff of vocational and physical rehabilitation personnel whose positions shall be classified under RSA 21-I:42 et seq.

281-A:26 Compensation for Death. If death results from an injury, weekly compensation shall be paid to the dependents of the deceased employee in an amount provided by the compensation schedule in RSA 281-A:28 as follows:

I. In all cases in which compensation is payable to a widow or widower for the benefit of herself or himself and dependent children, the commissioner shall have the power to determine from time to time, in the commissioner's discretion, what portion of the compensation shall be applied for the benefit of any such children and may order the same paid to a guardian.

II. In the case of the remarriage of a widow or widower without dependent children, compensation payments shall cease.

III. In the case of the remarriage of a widow or widower who has dependent children, the unpaid balance of compensation which would otherwise become due shall be payable to the mother, father, or guardian, or such other person as the commissioner may order, for the use and benefit of such children during dependency.

IV. The employer shall pay burial expenses not to exceed \$3,000.

V. Any dependent, except a widow or a widower or children, who, at the time of the injury to the person covered under this chapter, is

only partially dependent upon the injured person's earnings shall receive such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependent at the time of the injury bore to the total support of the dependent.

VI. Compensation for a dependent child shall continue until the child becomes 18 years of age, or until the child becomes 25 years of age if such child is enrolled as a full-time student in an accredited educational institution. However, if the commissioner determines that the child is self-supporting or if the child marries or is legally adopted, compensation shall cease. A dependent child who is physically or mentally incapacitated shall continue to receive compensation as long as the incapacity continues. This paragraph shall have no effect on accidents or fatalities occurring prior to July 1, 1975, which shall be governed by the provisions of workers' compensation law prior to that date.

VII. Compensation payable to any dependent other than a widow, widower, or children shall cease when such dependent is married, is legally adopted, or is determined by the commissioner to be self-supporting.

281-A:27 Payment for Death after Payment for Disability. The total amount of benefit in case of a death shall not exceed the balance remaining between the amounts paid for disability and the total compensation payable under this chapter.

281-A:28 Compensation for Total Disability. An employer subject to this chapter, or the employer's insurance carrier, shall pay workers' compensation to an employee sustaining a personal injury during a period of total disability, but not for the first 3 days of disability unless the disability continues for 7 days or longer, as follows:

I. If an employee's average weekly wage is 40 percent or less of the state's average weekly wage, weekly compensation shall be the full amount of that employee's average weekly wage.

II. If an employee's average weekly wage is over 40 percent of the state's average weekly wage, weekly compensation shall be $66\frac{2}{3}$ percent of that employee's average weekly wage or 40 percent of the state's average weekly wage, whichever is greater; but in no event shall weekly compensation exceed 150 percent of the state's average weekly wage rounded off to the nearest dollar as the commissioner determines for the year in which the injury occurred. For purposes of this section, the department of employment security shall establish the state's average weekly wage for the immediate preceding calendar year to be effective the following July 1.

III. Notwithstanding the provisions of RSA 281-A:26, 29, and 32, the compensation of persons who regularly operate businesses or practice their trades, professions, or occupations as provided by RSA 281-A:2, VI shall be computed on the basis of 80 percent of their average weekly salary, but no more than 150 percent of the state's average weekly wage. The state's insurance commissioner is hereby authorized to review and approve an appropriate classification for the foregoing class of persons and a reasonable rate, if the commissioner chooses to do so.

281-A:29 Adjusted Total Disability Benefits. For all compensable injuries occurring on or after July 1, 1963, for which total disability continues, except those injuries for which the employee is entitled to benefits under the federal Social Security Act, as amended, the injured employee shall be entitled to an adjustment in the weekly compensation rate effective July 1, 1975, based upon the following formula:

I. Determine the percentage of the injured employee's average weekly wage at the time of the injury to the state's average weekly wage as established by the department of employment security for the same corresponding year. In no event shall the percentage exceed 100 percent of the state's average weekly wage.

II. Determine the adjusted average weekly wage of the injured employee by applying the percentage determined in paragraph I against the state's current average weekly wage which is established annually on July 1 for the previous calendar year.

III. Determine the revised weekly rate of compensation by applying the adjusted average weekly wage to the current schedule of benefits under RSA 281-A:28.

IV. The injured employee shall be entitled to an adjustment in the weekly compensation rate at one year intervals on July 1 in each year with the initial review occurring on or after the third anniversary of the injury.

V. Every insurance carrier or self-insured employer shall be required to report each compensable injury case to the commissioner if total disability payments continue or are expected to continue for 6 months from the date of injury.

VI. Adjustments in weekly benefit rates shall only apply to the provisions of RSA 281-A:28 and shall not be retroactive from the anniversary date of such review, unless an employee entitled to such adjustment did not receive the amount due because of a mistake, misfortune, or lack of knowledge.

281-A:30 Special Fund for Active Cases. With regard to payments made pursuant to RSA 281-A:29 for compensable injuries occurring on or before June 30, 1975, the carrier or self-insured employer shall in the first instance make the adjustment in the weekly compensation rate. Upon application, pursuant to rules adopted by the commissioner, the carrier or self-insured employer shall be reimbursed, not less than once a year, for such payments from the special fund established herein.

I. A special fund for active cases is hereby established in the state treasury for the sole purpose of making payments in accordance with this section. The commissioner shall administer the fund. The state treasurer shall be the custodian of the fund, and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state.

II. The state treasurer is authorized to disburse moneys from the fund only upon written order of the commissioner. The state treasurer shall be required to give bond in an amount to be fixed and with surety approved by the commissioner conditioned upon the faithful performance of the treasurer's duty as custodian of the fund.

III. Each carrier and self-insurer shall, under rules adopted by the commissioner, make payments to the fund in an amount equal to that proportion of 175 percent of the total disbursements made from the fund during the preceding calendar year less the amount of the net assets in the fund as of December 31 of the preceding calendar year which the total compensation paid by such carriers or self-insurers bore to the total compensation paid by all employers carriers and self-insurers during the fiscal year which ended within the preceding calendar year. An employer who has ceased to be a self-insurer shall continue to be liable for any assessments into the fund on account of any compensation the employer paid during such fiscal year.

IV. Where there has been default in the payment of compensation due to the insolvency of an insured employer and the employer's carrier or a self-insured employer, payment of any compensation remaining unpaid shall be made from the special fund. Such employer and carrier, or self-insured employer and surety, if any, shall be liable for payment into the fund of the amounts paid from it by the commissioner under the authority of this section; and, for the purposes of enforcing this liability, the commissioner, for the benefit of the fund, shall be subrogated to all of the rights of the person receiving such compensation.

V. The commissioner shall conserve the assets of the fund. In furtherance of this purpose, the attorney general shall appoint an employee of the department of justice to represent the fund in all proceedings brought to enforce claims against the fund.

VI. A single assessment shall be assessed by the commissioner against each carrier and self-insurer as soon as practicable after the effective date of this section, which shall be paid to the fund in order to carry out the purposes of this section. The commissioner shall establish the amount of the assessment to produce the minimum amount necessary to carry out the purposes of this section, but in no event shall the assessment exceed 1/2 of one percent of compensation (including medical benefits) paid during calendar year 1974.

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue.

281-A:31 Compensation for Temporary Partial Disability. If the disability for work resulting from an injury is partial, the employer, or the employer's insurance carrier, during such disability, but not for the first 3 days of disability unless the disability continues for 7 days or longer, shall pay to the injured employee a weekly compensation equal to 66-2/3 percent of the difference between the employee's average weekly wage before the injury and the average weekly wage which he or she is able to earn thereafter; but in no instance shall the weekly compensation exceed the amount set forth by the compensation schedule in RSA 281-A:28. Payments shall not continue after the disability ends, nor longer than 341 weeks; and, if the partial disability begins after a period of total disability, the period of total disability shall be deducted from such total period of 341 weeks.

281-A:32 Scheduled Permanent Impairment Award.

I. Basic award. Except when death results from injury, in addition to other benefits payable under this chapter, an award shall be paid to employees in amounts provided by RSA 281-A:28 for the number of weeks set forth in this section for permanent bodily loss or losses:

(a) Total loss of arm	210
(b) Total loss of hand	189
(c) Total loss of thumb	76
(d) Total loss of index finger	47
(e) Total loss of middle finger	38
(f) Total loss of ring finger	19
(g) Total loss of little finger	9
(h) Total loss of leg	140
(i) Total loss of foot	98
(j) Total loss of great toe	18
(k) Total loss of toe, other	3
(l) Total loss of vision--one eye	84
(m) Total loss of vision--both eyes	300
(n) Total loss of hearing in one ear	30
(o) Total loss of binaural hearing	123

II. Phalanges. A loss in excess of the distal phalanx shall entitle the employee to the award for the loss of the entire digit. A loss of a distal phalanx shall result in half the award for the loss of the entire digit. A loss of less than one phalanx shall result in one quarter of the award for the loss of the entire digit.

III. Amputated arm or leg. The amputation of an arm or leg at or above the elbow or at or above the knee, respectively, shall entitle the employee to the award for the loss of the arm or leg. Otherwise, amputation of an arm or leg shall result in the award for the loss of a hand or foot.

IV. Two or more digits. The loss of 2 or more digits, or the loss of one or more phalanges of such number of digits, of a hand or foot, shall entitle the employee to an award proportioned to the loss of use of the hand or foot occasioned by that loss; except that the income benefits for the loss of a hand or foot may not be exceeded.

V. Substantial loss of vision. The loss of 80 percent or more of the vision of an eye, uncorrected by an eye lens, entitles the employee to the award for the total loss of an eye.

VI. Total loss of use. An award for the permanent total loss of the use of a member shall be identical to that for the loss of the member, except that amputation of such member resulting from the original or subsequent injury shall not entitle the employee to a further award under this section.

VII. Partial loss of use. An award for the permanent partial loss of the use of a member shall be for a period proportional to the period during which an award is payable for the total loss or the loss of the use of the member. Such award shall be in the proportion that such partial loss bears to a total loss; provided, however, that if subsequent amputation of such member is related to the original or a subsequent injury and results in an increased loss of such member, an additional award shall accrue on the basis of the difference between the award for the newly established loss and the award for the original loss.

VIII. Subsequent amputation. Upon amputation of a member resulting from an original or subsequent injury which has been preceded by the loss of a component or part of such member, an additional award shall accrue on the basis of the difference between the award for the newly established loss and the award for the original loss.

IX. More than one permanent loss. If an injury results in more than one permanent bodily loss specified in paragraphs I-VIII, an award shall be made on the basis of a maximum of 350 weeks with the appropriate number of weeks to be determined in proportion to the maximum in accordance with the percent of the whole person specified for such bodily losses in the most recent edition of "Guides to the Evaluation of Permanent Impairment" published by the American Medical Association.

X. A separate right. Except when death results from an injury, the scheduled awards under this section accrue to the injured employee simply by virtue of the loss or loss of the use of a member of the body, there being conferred upon the employee a right which is separate and independent of the rights provided by RSA 281-A:28 and 31.

XI. Payment due. Payment of the scheduled award becomes due upon prompt medical disclosure, after maximum medical improvement has been achieved, regarding the loss or loss of the use of the member of the body and shall begin, upon notice of the commissioner, as soon as possible but no later than 14 days after the end of the healing period. Payment of the scheduled award shall generally be made through weekly benefits rather than through a single payment, except for a single payment approved by the commissioner upon the commissioner's determination that a single payment fits the unique conditions of the injured worker better than weekly payments.

XII. Dispute resolution. In the event of a dispute as to the amount of compensation or the percentage of permanent partial loss or both, the commissioner shall determine the award to be made on the basis of competent medical evidence. The commissioner's findings shall be final.

XIII. Balance voided. The balance of an unpaid weekly scheduled award shall, upon the death of the employee, be void.

281-A:33 Double Compensation. Any employer who is liable for the compensation provided by any or all of RSA 281-A:26, 28, 31, or 32 shall, upon being found in violation of any provision of either or both RSA 277 and RSA 276-A, insofar as the latter chapter deals with prohibiting hazardous occupations for youth, and if there is recorded in the department a prior violation of the same kind or if the employer has failed to comply with written departmental recommendations applicable to a first violation within the reasonable period allowed, become liable for twice the amount of such compensation; provided, however, that if payment of compensation is secured pursuant to RSA 281-A:5, I, an employer and

employer's insurance carrier shall share equally the payment of compensation under this section.

281-A:34 Maximum Benefits. In no case, except as provided in RSA 281-A:31, 32, or 33, shall the weekly compensation payable under this chapter exceed the benefits set forth in RSA 281-A:28.

281-A:35 Voluntary Payments. Payments made by an employer, or the employer's insurance carrier, to an injured employee during the period of the employee's disability, or to the dependents of such employee, which, by the provisions of this chapter, were not due and payable when made, may, subject to the approval of the commissioner, be deducted from the amount to be paid as compensation; provided that, in a case of disability, such deduction shall be made by shortening the period during which compensation shall be paid and not by reducing the amount of the weekly payments under this chapter.

281-A:36 Savings or Insurance; Benefits to Injured Employee From Other Sources. No savings or insurance of the injured employee independent of this chapter shall be taken into consideration in determining the compensation to be paid under this chapter, nor shall benefits derived from any source other than the employer be considered in fixing the compensation under this chapter.

281-A:37 Lump Sum Payments. Lump sum agreements may be permitted at the discretion of the commissioner or the commissioner's designated representative when the best interest of all concerned will be served thereby; provided, however, that in no instance shall the medical provisions of this chapter be lump summed.

281-A:38 Medical Examinations. Any employee entitled to receive weekly payments under this chapter shall, if requested by the employer or ordered by the commissioner, submit himself or herself for examination by a duly qualified medical practitioner or surgeon provided and paid by the employer at a time and place reasonably convenient for the employee within 2 weeks after the injury and thereafter at intervals not more often than once in a week. The employee shall have the right to have a physician or surgeon designated and paid by himself or herself present at such examination. This right, however, shall not be construed to deny to the employer's physician or surgeon the right to visit the injured employee at all reasonable times and under all reasonable conditions, so long as the employee claims compensation under this chapter.

281-A:39 Refusal to Submit to Examination. If the employee refuses to submit to an examination as provided in RSA 281-A:38 or obstructs that examination, the employee's right to weekly payments shall be suspended until such examination has taken place; and no compensation shall be payable during or for such period.

281-A:40 Memorandum of Payment. An employer or the employer's insurance carrier shall make payment of compensation in the amount and manner provided by this chapter. The employer shall file memoranda of such payments with the commissioner in accordance with rules adopted by the commissioner under RSA 281-A:60.

281-A:41 Payment Without Prejudice. No payment of any benefits under this chapter shall in any way prejudice the rights of an employer in any dispute regarding the question of whether or not an injury or occupational disease arose out of and in the course of an employee's service.

281-A:42 Failure to Make Payment of Compensation.

I. The commissioner shall assess a civil penalty of \$25 on any insurance carrier or self-insurer who fails, within 7 days after the waiting period provided by RSA 281-A:21: .

(a) To make payment of compensation pursuant to RSA 281-A:28 and 31, and file a memorandum of such action with the commissioner; or

(b) To deny such compensation; to file a memorandum of such action with the commissioner; and to make a copy of the memorandum available to the claimant. The memorandum shall give a valid reason for

the denial and shall advise the claimant of the right to petition the commissioner for a hearing.

(c) The memorandum described in subparagraphs (a) and (b) shall be on a form prescribed by the commissioner.

II. The insurance carrier or self-insurer shall be relieved of having to meet the 7 day time limit of paragraph I:

(a) If the commissioner has granted an extension of time upon showing cause; or

(b) If and to the extent that an employer, except a self-insurer, has failed to comply with the requirements of RSA 281-A.

III. Upon failure of any insurance carrier or self-insurer to comply with either an order for payment of compensation or an assessment of a civil penalty, the commissioner shall recover either or both in a civil action in the superior court of the county of jurisdiction. Anyone owing a civil penalty under this section shall pay it to the commissioner, who shall deposit it with the state treasurer.

IV. The commissioner shall submit to the insurance commissioner the record of an insurance carrier who consistently fails to comply with the provisions of this section. If the insurance commissioner should, upon investigation, find the carrier to be in substantial noncompliance, the commissioner shall demand compliance. If the insurance carrier shall fail to comply, the insurance commissioner shall suspend or revoke such carrier's authorization to carry out the business of workers' compensation in this state. Likewise, the commissioner shall, as the commissioner deems necessary, suspend or revoke the self-insurer's permit of an employer who consistently fails to comply with the provisions of this section and any rules adopted to enforce this section.

281-A:43 Hearings and Awards.

I.(a) In a controversy as to the responsibility of an employer or the employer's insurance carrier for the payment of compensation and other benefits under this chapter, any party at interest may petition the commissioner in writing for a hearing and award. The commissioner or the commissioner's authorized representative shall schedule a hearing by fixing its time and place and giving notice of it at least 14 days prior to the date for which it is scheduled. The notice shall be given in hand or by certified mail, return receipt requested. At such hearing, full consideration shall be given to all evidence presented; and it shall be incumbent upon all parties to present all available evidence. No later than 30 days after the hearing, the commissioner or the commissioner's authorized representative shall render a decision and shall forthwith notify the parties of it. Failure of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance shall bar such parties from complaining about an adverse decision, a decision by default, or a dismissal of a petition for hearing and award.

(b) An appeal from a decision of the commissioner or the commissioner's authorized representative may be taken to the superior court no later than 30 days from the date of such decision. The venue shall be the same as for a civil action in personam between the same parties, and the court shall set a time and place for hearing and order that all parties receive notice of the scheduled hearing at least 14 days before it is to be held. At such hearing, a full trial shall be had before a justice of the superior court, without jury; and, within 30 days after the trial, the court shall make its award setting forth its findings of fact and law applicable to its decision. The clerk of that court shall forthwith send to each of the parties and to the commissioner copies of such award. The decision of the court shall be enforceable in the same manner as an equity decree, and appeals from such decisions may be taken to the supreme court; but in no case shall such an appeal suspend the operation of an award unless the court from which such appeal is taken shall so order.

II. A decision of the commissioner shall take effect upon the date of notification and shall become final, in the absence of an appeal from it, 30 days after notification. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the commissioner's decision or of a final court determination. Upon failure of an employer, or the employer's insurance carrier, to comply with the decision, the commissioner shall assess a penalty not to exceed \$25 for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit with the state treasurer any penalty collected under this section.

281-A:44 Award of Fees and Interest.

I. In any dispute over the amount of the benefit payable under this chapter which is appealed to the superior or supreme court or both, the employee, if such employee prevails, shall be entitled to reasonable counsel fees as approved by the court and interest at the rate of 6 percent per year on that portion of any award the payment of which is contested. The interest shall be computed from 30 days after award by the commissioner.

II. No attorney representing a claimant shall contract for, charge for, or collect a fee for legal service rendered to the claimant at the department level unless the fee has been approved by the commissioner. In determining the amount of the allowable fee, the commissioner shall consider, among other things, the nature, length and complexity of the service performed, the usual and customary charge for work of the like kind and the benefit accruing to the claimant as a result of the legal service performed.

281-A:45 Manner of Giving Notice of Hearing. A notice of a hearing under the provisions of this chapter shall be given by giving notice in hand or by sending it by certified mail return receipt requested addressed to the employee, the employer and the employer's insurance carrier, at each party's last known residence or place of business. The superior court shall send by certified mail to the commissioner a copy of each notice of a hearing it sets.

281-A:46 Payment Pending Determination of Coverage; Establishing Liability for Benefits.

I. If an employee's right to compensation, other benefits, or both, under this chapter is not in dispute either as to eligibility or amount, but a dispute arises between successive employers or between successive insurance carriers for the same employer regarding liability for benefits, the commissioner, following notice to all interested parties and hearing, shall enter an order setting forth the liability of an employer or insurance carrier for the payment of compensation, other benefits, or both, in the first instance. The employer or insurance carrier ruled liable shall immediately start payment pending final determination. The commissioner may make such orders for the deposit of security as may be necessary. When the issue of liability is finally determined, either the commissioner or the court in which the issue is finally resolved shall enter an order making such financial adjustment as may be appropriate in order to effectuate the decision.

II. Except as provided in RSA 281-A:54, if compensation is payable for an occupational disease, the employer in whose employment the employee was last injuriously exposed to the hazards of such disease, and any insurance carrier on the risk at the time such employee was last so exposed, shall alone be liable for that compensation without a right to contribution from any prior employer or insurance carrier.

III. Except as provided in RSA 281-A:54, if compensation is payable for an injury, other than an occupational disease, which aggravates a preexisting physical condition, the employer in whose employment the employee sustained the most recent injurious incident and any insurance carrier on the risk when such injurious incident occurred, shall alone be liable for any benefit allowable under this chapter without a right to contribution from any prior employer or insurance carrier.

281-A:47 Examination by Physician.

I. When application is made to the commissioner, the commissioner may refer the injured employee to one or more duly licensed and impartial physicians or surgeons or may refer the injured employee to a medical facility for an examination, the results of which shall be reported to the commissioner. The physicians, surgeons, or medical facility shall receive a reasonable fee for services and reimbursement for necessary expenses, which shall be paid by the party requesting such an examination. However, in the event that an employee requesting such an examination prevails in the determination by the commissioner, the fee and expenses shall be paid by the employer.

II. If, in the judgment of the commissioner, additional expert medical evidence is required in any case, the commissioner may refer the injured employee to one or more duly licensed and impartial physicians or surgeons or to a medical facility for an examination, the results of which shall be reported to the commissioner. The physicians, surgeons, or medical facility shall receive a reasonable fee for services plus reimbursement for necessary expenses. The state shall pay any fee or reimbursement on vouchers approved by the commissioner unless, in the commissioner's discretion, the commissioner determines that the employer should pay. The commissioner shall ordinarily accept as determinative the results of such a referral unless, after hearing, the commissioner specifically finds that the results do not accurately reflect the employee's condition.

281-A:48 Review of Eligibility for Compensation.

I. Any party at interest with regard to an injury occurring after July 1, 1965, may petition the commissioner to review a denial or an award of compensation made pursuant to RSA 281-A:40 by filing a petition with the commissioner not later than the fourth anniversary of the date of such denial or the last payment of compensation under such award or pursuant to RSA 281-A:40, as the case may be, upon the ground of a change in conditions, mistake as to the nature or extent of the injury or disability, fraud, undue influence, or coercion.

II. Upon the filing of a petition and after notice to all interested parties and hearing, the commissioner shall enter an order, stating the reasons therefor, either:

(a) Granting or denying an original award of compensation if none has previously been paid; or

(b) Ending, diminishing, or increasing the compensation previously paid or fixed by award, subject to the maximum or minimum provided in this chapter.

III. If a petitioner files for reducing or for ending compensation, the petitioner shall submit along with the petition medical evidence that the injured employee is physically able to perform his or her regular work or is able to engage in gainful employment. On the basis of such medical evidence, the commissioner may authorize suspension of further payments pending a hearing on the petition; otherwise, compensation shall continue on the basis of the existing award pending the hearing and any further order by the commissioner. All procedure on a petition under this section shall be the same as provided in this chapter for original hearings.

IV. A review under this section shall not affect an award with respect to money already paid.

V. Any party at interest who is dissatisfied with the decision of the commissioner under this section may appeal to the superior court in the same manner as provided in RSA 281-A:43.

281-A:49 Witnesses; Blanks. All process and procedure under the provisions of this chapter shall be as summary and simple as reasonable. The commissioner shall have the power, so far as it is necessary for the determination of matters within the commissioner's jurisdiction, to subpoena witnesses, to administer oaths and to examine the books and records of parties to any proceedings under this chapter. The superior court shall, by proper proceedings, have power to enforce the attendance and testimony of witnesses and the production and examination of books, papers, and records before the commissioner.

281-A:50 Petition for Right to Appeal. Any person aggrieved by a decision of the commissioner who was prevented from appealing from such decision within 30 days through mistake, accident, or misfortune and not through the person's own neglect may petition the superior court at any time within one year after the commissioner's decision to be allowed an appeal. Such petition shall set forth the petitioner's interest, the reason for appealing, and the cause of the delay.

281-A:51 Preferences of Claims for Compensation. All rights of compensation granted by the provisions of this chapter shall have the same preference or priority against the assets of the employer as is allowed by law for a claim by an employee against an employer for unpaid wages.

281-A:52 Assignments; Exemption From Claims of Creditors; Attorneys' Fees.

I. Claims for compensation under this chapter shall not be assignable, and the compensation and any claim for compensation shall be exempt from all claims of creditors except as provided in this section. Claims for payment by physicians, hospitals, and for other remedial care chargeable to the employee and rendered in connection with a compensated injury and claims of attorneys for services rendered an employee in prosecuting a claim under this chapter, when approved by the superior court, may be enforced against the compensation award in such manner as the superior court may direct.

II. Claims for child support payments, pursuant to RSA 458-B, may be enforced against compensation awards.

281-A:53 Responsibility of Employer to Provide Vital Information.

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending during the entire waiting period provided by RSA 281-A:22, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 10 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of \$25. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them with the state treasurer.

II. Any employer who consistently fails to make available to the commissioner and to that employer's insurance carrier the information required by the carrier to make payment of disability compensation in a manner consistent with RSA 281-A:42 shall, after such employer has been

given due notice of noncompliance and an opportunity to comply, be assessed by the commissioner a civil penalty of not more than \$100. If an employer fails to pay such penalty or to comply with the requirements of paragraph I, the commissioner shall recover the penalty and petition for an injunction in a civil action in the superior court of the county of jurisdiction.

281-A:54 Payment for Second Injuries from Special Fund.

I. If an employee who has a permanent physical or mental impairment, as defined in RSA 281-A:2, XIV, from any cause or origin incurs a subsequent disability by injury arising out of and in the course of such employee's employment on or after July 1, 1975, which results in compensation liability for a disability that is substantially greater by reason of the combined effects of the preexisting impairment than that which would have resulted from the subsequent injury alone, the employer or the employer's insurance carrier shall in the first instance pay all awards of compensation provided by this chapter. However, the commissioner shall reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all compensation payments subsequent to those payable for the first 104 weeks of disability.

II. If the subsequent injury of such an employee occurring on or after July 1, 1975, shall result in the death of the employee and it shall be determined that the death would not have occurred except for such preexisting permanent physical or mental impairment, the employer or the employer's insurance carrier shall in the first instance pay the compensation prescribed by this chapter. However, the commissioner shall reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all compensation payable in excess of 104 weeks.

III. In order to qualify under this section for reimbursement from the special fund, an employer shall establish by written records that the employer had knowledge of the employee's permanent physical or mental impairment at the time that the employee was hired or at the time that the employee was retained in employment after the employer acquired such knowledge.

IV. The special fund shall not be bound as to any question of law or fact by reason of an award or an adjudication to which it was not a party or in relation to which it was not notified at least 3 weeks prior to the award or adjudication that it might be subject to liability for the injury or death.

V. An employer or insurance carrier shall notify the commissioner of any possible claim against the special fund as soon as practicable but in no event later than 100 weeks after the injury or death.

VI. Reimbursement for payments by an an insurance carrier under this section shall be made periodically at the discretion of the commissioner by orders drawn on the state treasury to be charged against the special fund.

VII. No benefit shall be payable under this section for injuries or illnesses occurring prior to July 1, 1975; provided, however, that persons who incurred an injury or illness prior to July 1, 1975, which was of the type specified in former RSA 281:47 shall continue to be paid out of the special fund created by RSA 281-A:55.

VIII. Payments made by an employer or the employer's insurance carrier under RSA 281-A:25 and 32 shall be in lieu of payments under this section.

281-A:55 Special Fund for Second Injuries.

I. A special fund is hereby established in the state treasury for the sole purpose of making payments in accordance with RSA 281-A:54 and this section. The commissioner shall administer the fund. The state treasurer shall be the custodian of the fund, and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state.

II. The state treasurer is authorized to disburse moneys from the fund only upon written order of the commissioner. The state treasurer shall be required to give bond in an amount to be fixed and with securities approved by the commissioner conditioned upon the faithful performance of the treasurer's duty as custodian of the fund. The premium of the bond shall be paid out of the fund.

III. Each insurance carrier and self-insurer shall, pursuant to rules adopted by the commissioner, make payments to the fund in an amount equal to that proportion of 175 percent of the total disbursement made from the fund during the preceding 12 months, less the amount of the net assets in the fund as of March 31 of the current year, which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding calendar year.

IV. The commissioner shall conserve the assets of the fund. In furtherance of this purpose, the attorney general shall appoint an employee of the department of justice to represent the fund in all proceedings brought to enforce claims against the fund.

V. An insurance carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue.

281-A:56 Penalty for False Representation. A person who willfully makes a false statement or representation for the purpose of obtaining any benefit or payment under this chapter either for himself or herself or for any person shall be fined not more than \$100, and the superior court may forfeit all of the person's rights to the compensation sought.

281-A:57 General Penalty. Except as otherwise provided, any person who violates any provision of this chapter or any order issued by the superior court or by the commissioner under this chapter shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.

281-A:58 Administration. The commissioner shall administer and enforce all provisions of this chapter except as otherwise provided in this chapter.

281-A:59 Administration Fund.

I. An administration fund is hereby established in the state treasury for the sole purpose of paying all costs of administering this chapter. The commissioner shall administer the fund. The state treasurer shall be the custodian of the fund, and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state.

II. The state treasurer is authorized to disburse moneys from the fund upon written order of both the commissioner and the director, division of accounting services, department of administrative services, in accordance with a budget approved by the general court. The state treasurer shall give bond in an amount to be fixed and with securities approved by the commissioner conditioned upon the faithful performance of the treasurer's duty as custodian of the fund.

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw his warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the

preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed one percent of the total compensation, including medical benefits, paid by all insurance carriers and self-insurers during the fiscal year which ended in the previous calendar year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

IV. In addition to the provisions of paragraph III, the civil penalties collected under RSA 281-A:7, 42 and 53 shall be deposited to the credit of the administration fund established by this section.

V. The commissioner shall conserve the assets of the fund. In furtherance of this purpose, the attorney general shall appoint an employee of the department of justice to represent the fund in all proceedings brought to enforce payment of assessments as provided in paragraph III.

VI. Payments made to the fund by insurance carriers, less the amount of any civil penalty assessed under paragraph VII, shall constitute a credit against payments due under RSA 400-A:32.

VII. An insurance carrier or self-insurer failing without sufficient cause to make payments under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue.

281-A:60 Rulemaking; Powers of the Commissioner.

I. The commissioner shall have the power to adopt rules under RSA 541-A relative to the following:

- (a) Content and format of all forms necessary under this chapter.
- (b) Method of filing memoranda of payments under RSA 281-A:40.
- (c) What constitutes substantial noncompliance with RSA 281-A:42.
- (d) Procedures for hearings and appeals held in accordance with this chapter.
- (e) Method of recordkeeping and filing of reports for employers.
- (f) A scale of legal fees under RSA 281-A:44.
- (g) Any other matter necessary to the enforcement or administration of this chapter.

II. The commissioner may employ such clerical or other assistants as deemed necessary for the proper performance of the commissioner's duties under this chapter.

281-A:61 Report of the Commissioner. The commissioner shall make a report to the governor, by October 1 of each odd-numbered year, showing the work done during the preceding 2 fiscal years. The report shall include a properly classified statement of department expenses, statistical information relating to the number and character of industrial accidents during such 2 years and such other information and recommendations as the commissioner deems pertinent. The report shall be printed as part of the commissioner's biennial report.

281-A:62 Advisory Council. An advisory council on workers' compensation is hereby established. The advisory council shall consist of 7 members: the commissioner or a designee; the insurance commissioner or a designee; one member of the house of representatives appointed by the speaker of the house; one member of the senate appointed by the president of the senate; and 3 persons appointed by the governor and council, one representing the interests of management, one representing the interests of labor, and one who is an employee of an insurance

company that provides workers' compensation coverage. The legislative members of the advisory council and the 3 members appointed by the governor and council shall be familiar with the workers' compensation laws of New Hampshire. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The term of office of each member appointed by the governor and council shall be 3 years and until a successor is appointed and qualified. The term of office for any other members of the advisory council shall be co-terminous with the term of office in the position that qualifies that member to be a member of the advisory council. A vacancy shall be filled in the same manner but only for the unexpired term. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

3 Repeal. RSA 281, relative to workers' compensation, is repealed.

4 Rules Saved. Any rule of the department of labor properly adopted by its commissioner pursuant to the procedures specified in any section of RSA 281 as repealed by this act shall remain in full force and effect.

5 Correct References. Any cross reference in the Revised Statutes Annotated or in other laws to a provision of RSA 281 as repealed by this act shall be considered to be a reference to the appropriate section of RSA 281-A as inserted by section 2 of this act.

6 Authority to Conform Laws.

I. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1988 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1988 session laws.

II. Subject to the approval of the speaker of the house and the president of the senate, the director of legislative services is hereby authorized to integrate into the appropriate place in RSA 281-A any provisions of RSA 281, repealed by this act, which are amended, repealed or inserted by other acts passed in the 1988 session of the general court. No substantive changes may thereby be made, and such authority shall expire upon the printing of the 1988 session laws.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1989.

HB 461, relative to the corporate relations between electric power generators and distributors. Ought to Pass with Amendment.

The bill proposes major changes in the organization of the electric power industry. Even the re-referral period was inadequate to study all the ramifications of such changes. The Committee unanimously felt that the idea is worthy of much more detailed study. The amendment replaces the bill as written and establishes a special study committee to investigate and report on the possibilities of deregulation and vertical disintegration of the industry by June 30, 1989. Vote 8-0. Rep. Douglas E. Hall for Science, Technology and Energy.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the potential deregulation and vertical disintegration of the electric utility industry.

Amend the bill by replacing all after the enacting clause with the following:

1 Electric Utility Industry Dis-integration and Deregulation; Study Committee Established. There is established a study committee to review the potential deregulation and vertical dis-integration of the electric utility industry. The committee is to study the relationship between the generation of electric power and the distribution of that power.

2 Membership; Compensation.

I. The committee shall be composed of the following members:

(a) Three members of the house of representatives, not all of whom shall be members of the same political party, 2 of whom shall be members of the house science, technology, and energy committee and one of whom shall be a member of the house commerce and consumer affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, not all of whom shall be members of the same political party, appointed by the senate president.

(c) One member representing the state's electric utilities, appointed by the governor and council.

(d) One member representing the public utilities commission, appointed by the public utilities commission chairman.

(e) The consumer advocate, or his designee.

(f) One member representing business and industrial electric consumers, nominated by the New Hampshire Business and Industry Association and appointed by the governor and council.

(g) One representative of the university system of New Hampshire, with expertise in the field of energy economics, nominated by the chancellor of the university system and appointed by the governor and council. The committee members shall elect a committee chair from among the committee members.

II. The legislative members of the committee shall be reimbursed for mileage at the legislative mileage rate, and other committee members shall be reimbursed for mileage at the state employee mileage rate.

3 Report and Recommendations. The committee shall report its findings and recommendations, including recommendations for legislation, to the governor, the president of the senate, and the speaker of the house on or before June 30, 1989.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a study committee to review the structure of the electric utility system in the state relative to generation and distribution of electric power. The committee is to include legislators, a representative of the state's electric utilities, a representative of the public utilities commission, the consumer advocate or his designee, a representative of business and industrial electric consumers, and a representative of the state university system with expertise in energy economics. The committee is to report to the governor, the speaker of the house, and the senate president by June 30, 1989.

HB 523, relative to alternative energy purchased power recovery. Refer for Interim Study.

The bill attempts to establish price and contract protection for small power producers in the event of the bankruptcy or reorganization of an electric utility. The Committee was divided on this bill, but was aware of another bill being considered for introduction in the current session, which might be a better vehicle for establishing the proposed protections. As the Committee could

not be certain whether such a new bill will actually be introduced, it was unanimously decided to refer this bill for interim study so that it might still be available if needed. Vote 8-0. Rep. Douglas E. Hall for Science, Technology and Energy.

HB1 2012, developing a comprehensive, long-range coordinated state energy plan. Inexpedient to Legislate.
Senate Bill 153, enacted during the 1987 Session of the Legislature, set up a Joint Senate/House Committee with additional energy organization representatives to study the state's long range energy needs. A report is due December 1, 1988. The intent of HBI 2012 is therefore already being carried out. Vote 7-1. Rep. Susan Schwartz for Science, Technology and Energy.

HE 346-FN-A, establishing a tax on illegal drugs and relative to criminal drug penalties. Refer for Interim Study.

This bill proposes a new concept for law enforcement to use in their ongoing "drug war!" However, the Committee does not have enough information and impact to recommend passage at this time. Vote 14-1. Rep. Kathleen W. Ward for Ways and Means.

COMMITTEE REPORTS (Regular Calendar)

HB 424, relative to the fixing of public utility rates by the public utilities commission. Majority: Inexpedient to Legislate.
Minority: Ought to Pass.

MAJORITY: House Bill 424 removes part of the regulatory process from the Public Utilities Commission. By statute the Public Utilities Commission establishes the criteria that it needs to set rates for the utilities. The process brought out in this bill is nearly impossible to accomplish, especially for small utilities. Vote 9-6. Rep. C. Dana Christy for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill could assist in keeping utility rates affordable. Rep. G. Philip Rodgers for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Sytek abstained from voting under Rule 16.
Resolution adopted.

HB 546-FN, relative to the time for closing the polls in statewide elections. Ought to Pass with Amendment.

This bill, as amended, requires the polls at all state elections in towns and cities to open not later than 11 o'clock in the morning and to close not earlier than 7 o'clock in the evening. Voters present at the polling place may vote to close the polls at any time that the number of those who have voted plus the number of absentee ballots equals the number of names on the checklist. The effective date is July 1, 1988. Vote 9-3. Rep. Ellen C. Dube for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the times for opening and closing
the polls in statewide elections.

Amend the bill by replacing all after section 1 with the following:

2 Hours of Polling. RSA 659:4 is repealed and reenacted to read as follows:

659:4 Hours of Polling in Municipalities. At all state elections in towns and cities the polls shall open not later than 11 o'clock in the forenoon and shall close not earlier than 7 o'clock in the evening.

3 Repeal. RSA 659:1, 2, 5, and 7, relative to hours of polling, are repealed.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

As amended, this bill requires the polls at all state elections in towns and cities to open not later than 11 o'clock in the morning and to close not earlier than 7 o'clock in the evening.

Amendment adopted.

Ordered to third reading.

HB 287-FN, relative to kindergarten. Inexpedient to Legislate. Roughly two-thirds of the communities in New Hampshire currently have kindergartens (public or private). While the majority of the Committee generally supports mandatory kindergarten in concept, the vote indicates that factors (costs, for example) make this bill Inexpedient to Legislate at this time. Vote 14-2. Rep. Linwood N. Purrington for Education.

Resolution adopted.

HB 645-FN, relative to school building aid. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill will give additional and needed school building aid to the school districts and will apply the one-man - one-vote concept in the voting of bond issues. Vote 10-6. Rep Edmund M. Keefe for the Majority of Education.

MINORITY: A second major concept was added to this bill without benefit of public hearing. Specifically, this change in law would reduce the 2/3 vote requirement on bonds to a 51% majority. Further, this would have significant financial impact as to how both towns and school districts would choose to allocate their taxes to bonds. The minority feels that this concept deserves study and hearings on its own merit. Reps. William J. Hounsell, Karen O. Wadsworth, Jacquelyn Domaingue and Arthur Tufts for the Minority of Education.

Rep. Hounsell moved that HB 645 be recommitted to the Committee on Education and spoke to his motion.

Adopted.

HB 537-FN, relative to regulation of the practice of nursing. Ought to Pass with Amendment.

This bill, as amended, changes the name of the Board of Nursing Education and Nurse Registration to the Board of Nursing. The Board continues its functions related to licensing, examination, standards of practice, approval of nursing education programs, and establishing educational and experience requirements for licensing. The bill gives new authority to seek injunctive relief against unlicensed practioners. Vote 14-0. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Registered and Practical Nurses; Purpose. RSA 326-B:1 is repealed and reenacted to read as follows:

326-B:1 Purpose.

I. In order to safeguard life, health, and the public welfare of the people of this state and in order to protect the people of the state of New Hampshire from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy the practice of nursing shall be regulated through the New Hampshire board of nursing, and said board shall have the power to enforce the provisions of this chapter. Any persons who practice or offer to practice nursing or who represent themselves as registered nurses or licensed practical nurses without qualifying under this chapter endanger the public health.

II. Nursing is a dynamic discipline and its practice is continually evolving to include more sophisticated patient care activities. The purpose of this chapter is to provide clear legal authority for functions and procedures that have common acceptance and usage and to recognize the overlapping functions between registered nurses and other licensed health care providers in the delivery of health care services.

2 Definitions Amended and Inserted. RSA 326-B:2 is repealed and reenacted to read as follows:

326-B:2 Definitions. In this chapter:

I. "Active in the practice of nursing" means to practice nursing for a minimum number of hours as set by the board.

II. "Advanced registered nurse practitioner" or "A.R.N.P." means a registered nurse who is legally recognized as having specialized clinical qualifications as provided in RSA 326-B:10.

III. "Assistant to nurses" means a person who has completed a state approved education program which follows the guidelines of the New Hampshire board of nursing, requires a minimum of 100 hours of instruction, and qualifies that person to provide personal nursing care under the supervision of a registered nurse or a licensed practical nurse.

IV. "Board" means the New Hampshire board of nursing.

V. "Certified graduate nurse" or "C.G.N." means those graduate nurses exempted by chapter 265, laws of 1959 and certified prior to January 1, 1975.

VI. "CGFNS" means commission on graduates of foreign nursing schools.

VII. "Continuing education" means planned, organized learning experiences designed to augment the knowledge, skills and attitudes of nurses for the enhancement of nursing practice, education, administration and research for the purpose of improving health care to the public.

VIII. "Diagnosis" means "the judgment or conclusion that occurs as a result of assessment".

IX. "Directing" means overseeing the performance of those to whom nursing functions are appropriately delegated.

X. "Graduate practical nurse" or "G.P.N." means any person graduated from an approved program of practical nursing education practicing under graduate status while awaiting licensure as a licensed practical nurse.

XI. "Graduate nurse" or "G.N." means any person from an approved program of nursing education practicing under graduate status while awaiting licensure as a registered nurse or licensed practical nurse.

XII. "License" means a current document issued by the board permitting the practice of nursing as a registered nurse or licensed practical nurse.

XIII. "Licensed practical nurse" or "L.P.N." means a person who holds a current license under this chapter to practice practical nursing as defined in paragraph XVI.

XIV. "Medical regimen" means that aspect of care which implements the medical plan as prescribed by a licensed physician or dentist.

XV. "Nursing regimen" means the goal-oriented plan developed to assist individuals or groups to achieve optimal health potential. A nursing regimen includes, but is not limited to, initiating and maintaining comfort measures, promoting and supporting human functions and responses, establishing an environment conducive to well-being, providing health counseling and teaching, and collaborating on certain aspects of the medical regimen.

XVI. "Practical nursing" means the performance of selected services in the observation and care of the ill, injured or infirmed, and in carrying out the activities and procedures to safeguard life and health which are prescribed by and performed under the direction of a physician or dentist licensed in the United States or Canada, or under a registered nurse licensed in New Hampshire. This practice requires basic knowledge and skill acquired in an approved school or program of practical nursing, but does not require the specialized, comprehensive knowledge, professional judgment and skill necessary for the practice of nursing as a registered nurse.

XVII. "Registered nurse" or "R.N." means a person who holds a current license under this chapter to practice registered nursing as defined in paragraph XVIII.

XVIII. "Registered nursing" means the performance of nursing that requires substantial judgment and skill based on knowledge and application of the principles of biological, physical and behavioral science and includes any act in:

(a) Assessment and diagnosis of people's physical and psychosocial health status.

(b) Providing nursing care and counseling to those who are ill, injured or infirm.

(c) Providing for the maintenance of health and the prevention of illness through such activities as: health teaching, health counseling, and services which are supportive to the continuance or improvement of health and well-being.

(d) Teaching nursing care providers who assist the registered nurse; directing them in their performance of those acts appropriately delegated to them for implementation of the therapeutic plan of care and the effective carrying out of the nursing regimen.

(e) Collaborating with the physician or dentist in the implementation of the medical regimen.

(f) Evaluating the quality and effectiveness of the total nursing regimen.

XIX. "Standards of practice" means those statements enunciated from time to time by state and national nursing associations and used by the board in determining safe practice.

3 Board of Nursing; Composition. RSA 326-B:3 is repealed and reenacted to read as follows:

326-B:3 Board of Nursing.

I. The board of nursing shall be composed of 9 members to be appointed by the governor with the consent of the council. Suggestions for appointment may be made to the governor by any interested individual, association, or other entity. The term of office for board members shall be 3 years, and no member of the board shall be appointed to more than 2 consecutive terms. The members of the board shall include 5 registered

nurses, 2 licensed practical nurses, and 2 representative members of the public.

II. Each registered nurse member shall be a resident of this state, licensed in good standing under the provisions of this chapter, currently engaged in the practice of nursing as a registered nurse, and shall have had no less than 5 years of experience as a registered nurse, at least 3 of which shall have immediately preceded appointment. Registered nurse members of the board shall represent the various areas of nursing practice including education, administration, and clinical practice.

III. The licensed practical nurse members of the board shall be residents of this state, licensed in good standing under the provisions of this chapter, currently engaged in the practice of nursing, and shall have had no less than 5 years of experience as a licensed practical nurse, at least 3 of which shall have immediately preceded the date of appointment.

IV. The public members shall be residents of the state of New Hampshire who are not, and shall never have been, members of the nursing profession or the spouse of any such person. The public members shall not have, and shall never have had, a material financial interest in either the provision of nursing services or an activity directly related to nursing, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

V. No more than one board member shall be associated with a particular agency, corporation, or other enterprise or subsidiary at one time.

VI. Each member of the board shall be compensated at the rate of \$50 for each day actually engaged in official duties of the board and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties, including travel at the state employee mileage rate.

VII. An appointee to a full term on the board shall be appointed by the governor with the consent of the council before the expiration of the term of the member being succeeded and shall become a member of the board on the first day following the appointment expiration date of the previous appointee. Appointees to unexpired portions of full terms shall become members of the board on the day following such appointment, and shall serve full 3-year terms.

VIII. The governor may remove any member from the board for neglect of any duty under RSA 326-B:4 or for incompetency or unprofessional or dishonorable conduct. Any person may file a complaint against a board member with the division of public health services. The provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in dismissing board members.

IX. All members of the board and its agents or employees, shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members, agents, or employees, as long as such employees are not acting in a wanton or reckless manner.

X. Board meetings and hearings shall be open to the public. In accordance with RSA 91-A:3 the board may conduct part of a meeting in executive session.

4 Board of Nursing, Powers and Duties. RSA 326-B:4 is repealed and reenacted to read as follows:

326-B:4 Powers and Duties of the Board. The board shall function under the director, division of public health services, department of health and human services, who shall supervise the business administration and the reporting of the board. The board is authorized to:

I. Establish reasonable and uniform standards for nursing practice.

II. Provide consultation regarding nursing practice for institutions and agencies and investigate reports of illegal practice.

III. Examine, license, and renew the licenses of duly qualified individuals. The board shall select an appropriate nationally approved licensing examination.

IV. Gather and report to the public statistical information regarding, but not limited to, the education and licensure of registered and practical nurses.

V. Conduct investigations, hearings, and proceedings concerning alleged violations of this chapter or of rules adopted under this chapter.

VI. Subpoena witnesses, records, and documents, as needed, and administer oaths to those testifying at hearings.

VII. Determine and enforce appropriate disciplinary action against all individuals found guilty of violating this chapter or the rules adopted under this chapter.

VIII. Deny or withdraw approval of nursing educational programs that do not meet the minimum requirements of this chapter.

IX. Maintain records of proceedings as required by the laws of New Hampshire.

X. Conduct conferences, forums, studies, and research on nursing practice and education.

XI. Obtain legal counsel, hearing officers, accountants and such other employees, assistants, and agents as may be necessary, in the opinion of the board and the director, division of public health services, to administer and enforce the provisions of this chapter.

XII. Prescribe the duties of a qualified registered nurse to serve as executive director and request such additional staff positions as may be necessary to administer and enforce the provisions of this chapter.

XIII. Submit an annual report to the director, division of public health services, summarizing the board's proceedings and activities.

5 Rulemaking Authority; Board of Nursing. RSA 326-B:4-a is repealed and reenacted to read as follows:

326-B:4-a Rulemaking Authority. The board shall adopt rules, after receiving assurance from the director of public health services that the proposed rules conform to RSA 326-B and are not in conflict with other statutes, pursuant to RSA 541-A, relative to:

I. The application procedure for any license issued under this chapter.

II. The qualifications of applicants in addition to those requirements set by statute.

III. Design and content of all forms required under this chapter.

IV. How an applicant shall be examined, including:

- (a) Time and place of examination;
- (b) Subjects to be tested;
- (c) Passing grade; and
- (d) Disposition of examination papers.

V. How a license shall be renewed.

VI. Ethical standards required to be met by each holder of a license issued under this chapter and how such license may be revoked for violation of these standards.

VII. Establishing all fees required under RSA 326-B:6, IV; RSA 326-B:7, I(e); RSA 326-B:8, II and V; RSA 326-B:10, I(e); and RSA 326-B:10, III.

VIII. Standards for nursing education programs under RSA 326-B:27.

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

X. Functions of the executive director.

XI. Setting amounts for administrative fines under RSA 326-B:12, III(a).

XII. Defining acts of commission or omission subject to disciplinary action under RSA 326-B:12, II(h).

XIII. Establishing standards for a basic assistant to nurses education program and the issuance of evidence indicating satisfactory completion of such a program, including, but not limited to:

- (a) Applicant qualifications.
- (b) Application procedures.
- (c) Content of the training program.
- (d) Duration of the training program.
- (e) Examination.
- (f) Passing grade.
- (g) Approval of instructors for training programs.

XIV. Establishing standards to validate competency to continue or reenter practice under RSA 326-B:24.

XV. Establishing standards and procedures for the full, initial, or conditional approval of nursing education programs under RSA 326-B:27, III.

6 New Section; Rulemaking; Powers of Board Limited. Amend RSA 326-B by inserting after section 4-a the following new section:

326-B:4-b Limitation on Board Authority. Notwithstanding any other provision of this chapter, the board shall not, by rule or otherwise, limit the right of licensed nurses to practice with other health professionals or in an association, partnership, corporation, or other lawful entity; or limit the right of licensed nurses to practice under the name "nursing clinic, nursing center", or other descriptive terms, provided the term is not misleading as to the nature of services provided.

7 New Paragraph; Executive Director; Qualifications. Amend RSA 326-B:5 by inserting after paragraph III the following new paragraph:

IV. The executive director shall have at least the following qualifications:

(a) Be eligible for licensure to practice as a registered nurse in this state.

(b) Hold a master's degree in nursing or a related field and possess either a baccalaureate or master's degree in nursing.

8 License by Examination; Endorsement. RSA 326-B:6 is repealed and reenacted to read as follows:

326-B:6 Qualifications for License by Examination. An applicant for a license to practice shall:

I. Submit written application on a form supplied by the board of nursing.

II. Have committed no acts which are grounds for disciplinary action as described in this chapter.

III. Be a graduate of a board-approved nursing education program or demonstrate comparable nursing educational preparation recognized by the board including, but not limited to, graduation from a foreign nursing program and successful completion of the CGFNS examination.

IV. Submit the required license application fee.

V. Pass an examination as determined by the board.

9 License by Endorsement; Re-entry Program. Amend RSA 326-B:7, I(d) to read as follows:

(d) Have been active in the practice of nursing within a period of 4 years from the date of application or submit evidence of completion of a [refresher course or] re-entry program acceptable to the board.

10 License Renewal; Inactive Status. Amend RSA 326-B:8, IV and V to read as follows:

IV. Any person licensed under this chapter who [is not] *has not been* engaged in the practice of nursing *for 4 years immediately preceding an application for a license renewal* shall be [considered to be] *placed* on inactive status [, provided he so notifies the board]. No license renewal fee shall be required of a person on inactive status.

V. Applicants who have not engaged in active nursing within a period of [5] *4* years from the date of application and who request reinstatement of a lapsed or inactive license shall present evidence of completion of a [refresher or] re-entry program acceptable to the board and remit the required fee.

11 New Section; Licensees' Duties. Amend RSA 326-B by inserting after section 8 the following new section:

326-B:8-a Duties of Licensees.

I. Each licensee, when requested, shall provide any information the board considers necessary to perform its duties in the regulation of nursing.

II. Each licensee shall notify the board if a license is lost or stolen.

III. Each licensee shall notify the board of a change of name or address as soon as such change occurs.

12 Advanced Registered Nurse Practitioners; Requirements. RSA 326-B:10, I, II, and III are repealed and reenacted to read as follows:

I. An applicant for a license to practice as an advanced registered nurse practitioner shall:

(a) Submit written application on a form provided by the board of nursing.

(b) Be a graduate of a program acceptable to the board.

(c) Submit evidence of passing a national certifying examination acceptable to the board.

(d) Submit the required license application fee.

II. An A.R.N.P. who functions in connection with protocols established jointly with a collaborative physician may prescribe medications from the official formulary which has been jointly agreed upon by the board of registration in medicine and the board of nursing. The formulary shall be kept on file with the boards of nursing and medicine and shall be reviewed and updated annually. The A.R.N.P. shall file with the board of nursing the A.R.N.P.'s name, a current number issued by the federal Drug Enforcement Administration (DEA), and the collaborative physician's name and DEA number. The A.R.N.P. shall notify the board in writing immediately of any changes in the information required of the A.R.N.P. or the collaborative physician under this section. The A.R.N.P.'s name, specialty area, and DEA number, the collaborative physician's name and DEA number, and the formulary shall be distributed to each licensed pharmacy in [the state] *New Hampshire*.

III. Each registered nurse applying for legal recognition as an advanced registered nurse practitioner shall pay an additional [\$5] *fee* for original evaluation and certification. Each renewal period, the A.R.N.P. shall submit to the board of nursing evidence of continuing education and practice in the field of nursing.

13 Disciplinary Action. Amend RSA 326-B:12 to read as follows:
326-B:12 Disciplinary Action.

I. *In order to assure the citizens of New Hampshire a reasonable standard of nursing care* the board may undertake disciplinary proceedings:

(a) Upon its initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed any acts of misconduct under paragraph II of this section and which specifies the grounds [therefor] *for such complaint*.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice nursing;
- (b) Conviction of a felony or any offense involving moral turpitude;
- (c) Unprofessional conduct or dishonorable conduct unworthy of, and affecting the practice of, [the licensee's profession] *nursing*;
- (d) Incompetency by reason of negligent habits or other causes, or negligent or willful action in a manner inconsistent with the health or safety of persons under the care of the licensee;
- (e) Addiction to the use of alcohol or other habit-forming drugs [to such a degree as to render] *which renders* the licensee unfit to practice nursing;
- (f) Mental or physical incompetency *which renders the licensee unfit* to practice nursing;
- (g) Willful or repeated violations of the provisions of this chapter;
- (h) Suspension or revocation of the licensee's registration or license to practice nursing in another jurisdiction;
- (g) *Conduct likely to deceive, defraud or harm the public*;
- (h) *Acts of omission, commission, or alteration of records, as defined in rules adopted by the board under RSA 541-A.*

III. The board may take disciplinary action in any one or more of the following ways:

- (a) By reprimand [;], *by administrative fines established by the board, or both*;
- (b) By suspension, limitation, [or] restriction [of a license] *or probation of a license* for a period [of up to 5 years] *of time as determined reasonable by the board*;
- (c) By revocation of a license; [or]
- (d) By requiring [the person] *persons* to participate in [a program of continuing education] *educational or rehabilitative programs* in the area or areas in which [he has] *they have* been found deficient or incompetent[.];
- (e) *By denying application for a license or other authorization to practice*;
- (f) *By requiring the person to submit evidence of receipt of care, counseling, or treatment as determined by the board; or*
- (g) *By requiring the person to practice under the direction of a registered nurse in a public institution, public or private health care program or private practice for a period of time specified by the board.*

IV. *Every clerk of the superior court shall report to the board the filing of any action for medical injury within 30 days after such filing.*

V. *Every individual, agency, facility, institution or organization which employs nurses within the state shall report to the board within 30 days any action which violates this chapter.*

14 Right of Appeal. Amend RSA 326-B:14 to read as follows:

326-B:14 Right of Appeal. Any person who has been refused a license for any cause other than failure to pass the licensing examination shall have the right to a rehearing by the board within 30 days after the original hearing; then, within 30 days after the decision not to issue the license on a rehearing, said person may appeal by petition to the superior court. *No sanction imposed by the board shall be stayed during appeal.*

15 New Section; Practice Without a License; Injunctive Relief.

Amend RSA 326-B by inserting after section 14 the following new section:

326-B:14-a Injunctive Relief. The practice of nursing by any person who has not been issued a license under this chapter or whose license has

been suspended or revoked, or has expired, is declared to be a danger to the public health and welfare. In addition to any other civil, criminal, or disciplinary remedy, the attorney general, the board of nursing, the prosecuting attorney of any county or municipality where a person is practicing or purporting to practice nursing without a valid license, or any citizen may, in accordance with the laws of this state, maintain an action to enjoin that person from practicing nursing until such person secures a valid license. An injunction without bond is available to the board for enforcement of this chapter.

16 Persons Exempted. Amend RSA 326-B:17, II to read as follows:

II. The practice of nursing by persons enrolled in nursing programs acceptable to the board when such practice is [incidental to] *part of their program of study;*

17 Grandfathering of Previous Licensees. Amend RSA 326-B:19 to read as follows:

326-B:19 Persons Licensed Under Previous Laws. Any person registered and licensed to practice nursing by authority of this state [on July 1, 1975,] *as of the effective date of this section,* shall continue to be licensed [as a registered nurse or as a licensed practical nurse under the provisions of this chapter] *under the provisions of this chapter and shall be eligible for license renewal pursuant to RSA 326-B:8.*

18 Competency of Nurses; Continuing Education and Review. RSA 326-B:24 is repealed and reenacted to read as follows:

326-B:24 Continued Competence of Nurses. The board shall establish procedures by which the individual licensee maintains his continued competence for relicensure. Procedures to evaluate and ensure continued competence shall be established by rules adopted by the board pursuant to RSA 541-A.

19 New Sections; Immunity; Confidentiality of Information; Use of Titles; Nursing Education. Amend RSA 326-B by inserting after section 24 the following new sections:

326-B:25 Immunity. Any person or health care facility acting in good faith shall be immune from civil liability to the licensee or applicant for licensure for the following actions:

I. Making any report or other information available to the board under this chapter; or

II. Assisting the board in carrying out any of its duties.

326-B:26 Confidentiality of Information. Any reports, information, or records provided to the board by an individual, agency, facility, institution, or organization pursuant to this chapter shall be confidential insofar as the reports, information, or records identify or permit identification of any patient. The board may disclose confidential information:

I. In an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which the information is relevant; or

II. In a consent agreement or other written settlement, when the information constitutes or pertains to the basis of board action. A copy of any report, information, or record received by the board under this section shall be provided to the licensee. The hearings held under this section shall not be open to the public unless the person whose conduct is at issue requests an open hearing.

326-B:27 Nursing Education.

I. Any institution desiring to conduct a nursing educational program in New Hampshire shall apply to the board and submit evidence that it is prepared to implement an educational program that meets the minimum requirements of RSA 326-B, and the rules adopted by the board pursuant to this chapter.

II. Curricula for nursing educational programs shall include:

(a) Curricular plans consistent with the knowledge and skills required for nursing practice which are administered in an organized manner appropriate to educational principles.

(b) Content relating to the biological, physical, social, behavioral and nursing sciences including other disciplines.

III. The board shall periodically survey all nursing educational programs for compliance with this chapter. If, in the opinion of the board the nursing educational program is in compliance with this chapter and the rules, the board shall grant initial, full, or conditional approval.

IV. If the board determines that any nursing educational program does not comply with the requirements of this chapter and the rules established by the board, the board shall notify the educational program of the specific areas of non-compliance.

V. The board shall withdraw approval from any nursing educational program that fails to correct specified areas of non-compliance within a timeframe established by the board, provided that such action shall be taken only after consultation with representatives of the educational program.

VI. Any nursing education program conducted in another state shall be deemed to be an approved nursing educational program by the board if that program meets the requirements for approval established pursuant to this section and if it is recognized by the appropriate state authority.

20 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, changes the name of the board of nursing education and nurse registration to the board of nursing. The board continues its present functions related to licensing, examination, standards of practice, approval of nursing education programs, and establishing educational and experience requirements for licensing.

The bill, as amended, gives the board new authority to seek injunctive relief against unlicensed practitioners. It provides immunity from civil suit to those reporting violations to the board.

Amendment adopted.

Ordered to third reading.

SB 170-FN, relative to licensure of mental health professionals. Majority: Ought to Pass with Amendment. Minority: Refer for Interim Study.

MAJORITY: This bill was re-referred to provide an opportunity for the task force, formed under the Session Laws of 1986 (HB 463), to complete its study. The resultant bill is the result of many hours of compromise and endeavor to protect the consumers and provide for the public welfare. There is a mechanism to provide for accumulation of data over the next few years in order to review at a time certain and fine tune the law. At this point, a great deal of conjecture comes from all persuasions, providers, insurers, and consumers. This data, to be gathered, will be the foundation for a comprehensive review and modification in 3 years based upon data, not conjecture. Vote 12-1. Rep. William F. McCain for the Majority of Executive Departments and Administration.

MINORITY: The sections of this bill which set mandatory minimum levels of mental health care insurance coverage presents problems worthy of further study and amendment prior to passage. No actuarial data on the effect of new insurance benefit levels on premiums was presented. This bill contains a mechanism to adjust benefit levels - so why prematurely raise the benefit level minimums.

It is conceivable that these new mandatory benefit levels and non-existent benefit limits will increase insurance premium costs to towns and cities as well as businesses. The higher cost of premiums to municipalities, schools, and counties clearly requires an appropriation under the New Hampshire constitution mandated costs provisions.

Large businesses typically can afford higher benefit levels than small and emerging businesses in New Hampshire. Rep. David B. Wright for the Minority of Executive Departments and Administration.

Rep. Hawkins moved that SB 170 be recommitted to the Committee on Executive Departments and Administration and spoke to his motion. Adopted.

HB 359-FN-A, relative to medicaid rates in certified nursing homes and making an appropriation therefor. Ought to Pass with Amendment. The number of people available to work in nursing homes has declined dramatically due to better salary opportunities in other fields. The decline of people in the field of long-term care will have a serious impact on the quality of care to the elderly. In the past, nursing homes have provided wage increases to attract quality personnel, but in some cases Medicaid reimbursements for these increased expenditures were not received until 2 - 2-1/2 years later. This bill establishes a more stable system of retrospective reimbursement for wage increases and it provides a salary supplement to nursing home staff providing direct patient care. Vote 14-5. Rep. Toni Pappas for Health and Human Services.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that the high employment rate in this state has had a serious impact upon the availability of staff for nursing homes and that, unless corrected, it will have a serious impact on the quality of the care provided. The number of people available to work in the long term health field has declined dramatically due to better salary opportunities in other fields. The need for long term health care, however, and consequently the need for people to provide such care continues to grow substantially. The general court further notes that nursing homes have, in the past, provided wage increases to attract and retain quality personnel, although in some cases medicaid reimbursements for these increased expenditures are not received until almost 2-1/2 years later. The general court recognizes that, due to the shortage of full-time personnel, premium wages, which are often more than 4 times that of full-time personnel, are frequently paid to secure temporary personnel. In an effort to reduce these extraordinary costs and to establish a more stable work force, by attracting and retaining qualified full-time persons, the general court concludes that a system providing for more current reimbursements for wages paid is necessary.

2 Salary Increase. The appropriation made in section 5 of this act shall be used, notwithstanding any other law or rule to the contrary, to provide a supplementary increase in the medicaid per diem rate paid to licensed and certified nursing homes. This supplement shall be limited to reimbursement for wages and salaries paid to staff rendering direct patient care, including certified nurse aides, registered nurses, licensed practical nurses, and nurse aides.

3 Basis of Determining Reimbursements.

1. A supplementary per diem increase shall be considered only for those facilities making specific requests to the office of medical

services, division of human services, department of health and human services, in accordance with established rules. Requests shall be substantiated by clear, auditable data together with justification showing that wages currently being paid are different from those being currently reimbursed. The bureau of provider audits, division of human services, shall determine the amount, if any, to be allowed a facility based upon the following information:

(a) The overall effect of current medicaid reimbursements upon the facility;

(b) The quality of care being provided to medicaid patients in relation to that being provided to private pay patients; and

(c) Such other information and data, including applicable economic indices, available to it.

II. A supplementary increase may be paid retroactively but shall only be applied to the year for which the facility requested it, however, the factors upon which the supplementary increase was determined shall be given consideration in determining the amount of the annual rate for such facility.

4 Recordkeeping; Rulemaking. Providers shall practice appropriate fund accounting techniques and provide necessary audit trails to assure that supplemental reimbursements are utilized solely for the purpose specified under section 2 of this act. The bureau of provider audits shall provide to the office of medical services such other information necessary to administer this act. The director of the division of human services, department of health and human services, may adopt rules under RSA 541-A relative to the administration of this act.

5 Appropriation. The sum of \$840,000 is hereby appropriated for the biennium ending June 30, 1989, to the office of medical services, division of human services, department of health and human services, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, appropriates \$840,000 to the office of medical services, division of human services, department of health and human services for the purposes of raising the salary and benefit levels of employees in medicaid certified nursing homes certified by the state.

Amendment adopted.

Referred to Appropriations.

HB 417, prohibiting discrimination against podiatrists.

Inexpedient to Legislate.

This bill was re-referred to a Subcommittee and several lengthy hearings were held. The bill, as originally written, could have caused the New Hampshire Health Department to revoke the license of a hospital which was felt to discriminate against podiatrists. In an amended bill this provision was removed and hospitals were required to acknowledge the application for privileges within one month. The Committee feels this courtesy should be extended, but not necessarily required by legislation. It was the opinion of the Committee as a whole that the Legislature should not dictate to individual hospitals which specific services they must provide and the different professions to whom they must grant privileges. Vote 13-6. Rep. Robert F. Wilson for of Health and Human Services.

Resolution adopted.

HB 432, authorizing licensed practical nurses to administer medication to inmates of correctional institutions. Inexpedient to Legislate.

After considerable study of information collected from top nursing sources, the Subcommittee reached this decision. The bill, as printed, opens many questions which are not in the province of legislators to answer. Legislators should not mandate what functions the licensed practical nurse may perform.

Questions raised include: (1) How to protect the licensed practical nurse from legal suit when she performs actions for which the Board and her curriculum do not feel she is prepared. (2) Some jails are using a unit dose system involving only a local pharmacy and a jailer -- could this not be extended to other jails unless one is running an infirmary. (3) The legality of telling a registered nurse or licensed practical nurse they must go to an adjacent jail, leave the nursing home where they are the only licensed person, to give a medication. (4) Should the licensed practical nurse's curriculum be enlarged to meet state needs -- in some areas licensed practical nurse schools are moving to become two-year registered nurse schools. Some of these issues may be addressed in the Nurse Practice Act - HB 537. Clearly, it would be most unfair and potentially unsafe to licensed practical nurses and place them in a risky legal situation at this time. Vote 16-3. Rep. Katherine D. Foster for Health and Human Services.

Resolution adopted.

HB 239-FN, making the Portsmouth district court a full time court. Inexpedient to Legislate.

The Committee has concluded again - as it did during the 1987 Session - that it is inadvisable to adopt special legislation for only one court in view of the fact that a uniform standard to govern such decisions was adopted by HB 651 enacted just less than a year ago. Vote 13-3. Rep. Francis E. Robinson for Judiciary.

Resolution adopted.

HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations. Ought to Pass with Amendment.

This bill, as amended, provides that directors and officers of nonprofit organizations will not be personally liable for damages for claims against the organization if the organization maintains adequate insurance coverage. The organization will indemnify all its volunteers, thus shielding them in the event of lawsuits. Homeowners, homeowners' tenants and dwelling premises liability insurance policies in New Hampshire will be required to cover the insured while he acts as a volunteer or if he is injured by an uninsured volunteer. HB 237 creates a comprehensive approach to the volunteer liability problem without denying redress to injured parties. Vote 13-2. Rep. Thomas U. Gage for Judiciary.

Reps. Alf Jacobson and Fraser moved that because of the introduction of a provision requiring that an organization must maintain adequate insurance coverage, that HB 237 be recommitted to a Joint Committee on Judiciary and Commerce, Small Business and Consumer Affairs.

Reps. Alf Jacobson and Fraser spoke to the motion.
Adopted.

HB 237 was recommitted to the Joint Committee on Judiciary and Commerce, Small Business and Consumer Affairs.

SB 237-FN, relative to the controlled drug act. Ought to Pass with Amendment.

This bill creates a new category of controlled drugs to do with "controlled drug analogs." It creates new penalties for involving a minor in a drug-related activity. It creates new penalties for "drug enterprise leaders." Double penalties are enacted for drug transactions conducted within 1,000 feet of a school and provides for enhanced penalties for drug offenses involving various quantities and qualities of numerous types of drugs. Vote 13-2. Rep. C. William Johnson for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition. Amend RSA 318-B:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Controlled drug analog" means a substance that has a chemical structure substantially similar to that of a controlled drug and that was specifically designed to produce an effect substantially similar to that of a controlled drug. The term shall not include a drug manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act, 52 STAT. 1052 (21 U.S.C. 355).

2 Acts Prohibited. Amend RSA 318-B:2, I and I-a, to read as follows:

I. It shall be unlawful for any person to manufacture, possess, have under his control, sell, purchase, prescribe, administer, or transport or possess with intent to sell, dispense, or compound any controlled drug, *or controlled drug analog*, or any preparation containing a controlled drug, except as authorized in this chapter.

I-a. It shall be unlawful for any person to manufacture, sell, purchase, transport or possess with intent to sell, dispense, compound, package or repack (1) any substance which he represents to be a controlled drug *or controlled drug analog*, or (2) any preparation containing a substance which he represents to be a controlled drug *or controlled drug analog*, except as authorized in this chapter.

3 New Paragraphs; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph X the following new paragraphs:

XI. It shall be unlawful for any person 18 years of age or older to knowingly use, solicit, direct, hire or employ a person 17 years of age or younger to manufacture, sell, prescribe, administer, transport or possess with intent to sell, dispense or compound any controlled drug or any preparation containing a controlled drug, except as authorized in this chapter, or to manufacture, sell, transport or possess with intent to sell, transport or possess with intent to sell, dispense, compound, package or repack (1) any substance which he represents to be a controlled drug or controlled drug analog, or (2) any preparation containing a substance which he represents to be a controlled drug or controlled drug analog, except as authorized in this chapter. It shall be no defense to a prosecution under this section that the actor mistakenly believed that the person who the act or used, solicited, directed, hired or employed was 18 years of age or older, even if such mistaken belief was reasonable. Nothing in this section shall be construed to preclude or limit a prosecution or conviction for a violation of any other offense defined in this chapter or any other provision of law governing an actor's liability for the conduct of another.

XII. A person is a drug enterprise leader if he conspires with one or more persons as an organizer, supervisor, financier, or manager to engage for profit in a scheme or course of conduct to unlawfully manufacture, sell, prescribe, administer, dispense, bring with or

transport in this state methamphetamine, lysergic acid diethylamide, phencyclidine (PCP) or any controlled drug classified in schedule I or II, or any controlled drug analog thereof. A conviction as a drug enterprise leader shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing in this section shall be construed to preclude or limit a prosecution or conviction of any person for conspiracy or any other offense defined in this chapter.

XIII. It shall be unlawful for any person to knowingly acquire or obtain possession of a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge. Nothing in this section shall be deemed to preclude or limit a prosecution for theft as defined in RSA 637.

4 Penalties. RSA 318-B:26 is repealed and reenacted to read as follows:

318-B:26 Penalties.

1. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a violation involving any of the following, a person shall be sentenced to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than \$500,000, or both:

(1) Five ounces or more of a mixture or substance containing any of the following, including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free-base drug:

(A) Heroin or its analog; or

(B) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

(C) Cocaine, its salts, optical and geometric isomers, and salts or isomers; or

(D) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10 grams or more including any adulterants or dilutants.

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section in a quantity of 1/2 ounce or more, but less than 5 ounces, including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free-base drug.

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free-base drug;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount of is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free-base drug;

(5) Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants.

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section in a quantity less than 1/2 ounce including any adulterants or dilutants, or in a quantity of 1/2 ounce or more with there being included less than 3.5 grams of the pure free-base drug, or where the amount of the pure free-base is undetermined;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants, or in a quantity of one ounce or more with there being less than 3.5 grams of the pure free-base drug, or where the amount of the pure free-base drug is undetermined;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants, or in a quantity of one ounce or more with there being included less than 3.5 grams of the pure free-base drug, or where the amount of the pure free-base drug is undetermined;

(4) Marijuana in a quantity of one ounce or more but less than 5 pounds including any adulterants or dilutants, or hashish in a quantity of 5 grams or more but less than one pound including any adulterants or dilutants;

(5) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

(1) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony,

except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed;

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed;

(c) In the case of possession of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a) a fine of not more than \$5,000 may be imposed;

(d) In the case of possession of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish, the person shall be guilty of a misdemeanor.

III. A person shall be guilty of a misdemeanor who:

(a) Controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

(b) Aids, assists or abets a person in his presence in the perpetration of a crime punishable under paragraph II of this section, knowing that such person is illegally in possession of a controlled drug or its analog.

(c) Manufactures with the intent to deliver, delivers or possesses with the intent to deliver any drug paraphernalia when such paraphernalia is knowingly manufactured, delivered or possessed for one or more of the uses set forth in RSA 318-B:2, II.

(d) Places an advertisement in violation of RSA 318-B:2, III.

IV. Any person who attempts or conspires to commit any offense defined in this chapter is punishable by imprisonment or a fine or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

V. Any person who manufactures, sells, prescribes, administers, dispenses, or possesses with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of, the real property comprising a public or private elementary, vocational, or secondary school may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section.

VI. Except as otherwise provided in this paragraph, a person convicted under RSA 318-B:2, XII as a drug enterprise leader shall be sentenced to a mandatory minimum term of not less than 25 years and may be sentenced to a maximum term of not more than life imprisonment. The court may also impose a fine not to exceed \$500,000 or 5 times the street value of the controlled drug or controlled drug analog involved, whichever is greater. Upon conviction, the court shall impose the mandatory sentence unless the defendant has pleaded guilty pursuant to a negotiated agreement or, in cases resulting in trial, the defendant and the state have entered into a post-conviction agreement which provides for a lesser sentence. The negotiated plea or post-conviction agreement may provide for a specified term of imprisonment within the range of ordinary or extended sentences authorized by law, a specified fine, or other disposition. In that event, the court at sentencing shall not impose a lesser term of imprisonment or fine than that expressly provided for under the terms of the plea or post-conviction agreement.

VII. Any person who violates RSA 318-B:2, XI shall be guilty of a class B felony and, notwithstanding the provisions of RSA 651:2, IV (a), may be fined not more than \$50,000. If any person commits such a violation after one or more prior offenses, as defined in RSA 318-B:27, such person shall be guilty of a misdemeanor.

VIII. Any person who violates RSA 318-B:2, I-a shall be guilty of a misdemeanor. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony.

IX. Any person who manufactures, sells, or dispenses methamphetamine, lysergic acid, diethylamide phencyclidine (PCP) or any other controlled drug classified in schedules I or II, or any controlled drug analog thereof, in violation of RSA 318-B:2, I or I-a, is strictly liable for a death which results from the injection, inhalation or ingestion of that substance, and may be sentenced to imprisonment for life or for such term as the court may order. For purposes of this section, the person's act of manufacturing, dispensing, or selling a substance is the cause of a death when:

(a) the injection, inhalation or ingestion of the substance is an antecedent but for which the death would not have occurred; and

(b) the death was not:

(1) too remote in its occurrence as to have a just bearing on the person's liability; or

(2) too dependent upon conduct of another person which was unrelated to the injection, inhalation or ingestion of the substance or its effect, as to have a just bearing on the person's liability. It shall not be a defense to a prosecution under this section that the decedent contributed to his own death by his purposeful, knowing, reckless or negligent injection, inhalation or ingestion of the substance or by his consenting to the administration of the substance by another. Nothing in this section shall be construed to preclude or limit any prosecution for homicide. A conviction arising under this section shall not merge with a conviction of one as a drug enterprise leader or for any other offense defined in this chapter.

X. Any penalty imposed for violation of this chapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

5 Chemical Analyses. RSA 318-B:26-a is repealed and reenacted to read as follows:

318-B:26-a Chemical Analyses.

I. Upon the request of the attorney general, a county attorney or any law enforcement agency, the laboratory employee performing the chemical analysis shall prepare a certificate. The employee shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: the type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; and the nature and condition of the equipment used. When properly executed, the certificate shall, subject to paragraph II of this section and notwithstanding any other provision of law, be admissible evidence of the composition, quality, and quantity of the substance submitted to the laboratory for analysis, and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that he is that person.

II. Whenever a party intends to proffer in a criminal proceeding a certificate executed pursuant to this section, notice of an intent to proffer that certificate and all reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 25 days before the proceeding begins. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the specific grounds for the objection within 10 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than 10 days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and specific grounds for that objection that the composition, quality, or quantity of the substance submitted to the laboratory for analysis will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objection to the admission of the certificate. The time limitations set forth in this section shall not be relaxed except upon a showing of good cause.

6 Repeal. RSA 318-B:28, relative to the recording of sentences as misdemeanors or felonies, is repealed.

7 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill creates several new crimes under the controlled drug act. It defines "controlled drug analog" and extends the prohibitions of the controlled drug act to controlled drug analogs. It makes it unlawful for any person 18 years of age or older to engage a person under 18 years of age to violate the controlled drug act. It establishes criminal penalties for drug enterprise leaders. Finally, it makes it unlawful for any person to knowingly acquire or obtain possession of a controlled drug by fraud or deception.

This bill also provides for enhanced penalties for: (1) attempts or conspiracies to violate the controlled drug law; (2) distribution of controlled drugs in or on, or within 1000 feet of schools; and (3) for the manufacture or sale of drugs which result in death. The bill eliminates the section of the controlled drug act that permits certain felony convictions to be recorded as misdemeanors and increases criminal penalties across the board for various drug offenses. Under the bill, penalties are based upon the type and amount of substance involved.

This bill also changes the requirements for certificates of chemical analyses.

This bill was requested by the department of justice.

Amendment adopted.

Ordered to third reading.

SB 238-FN, relative to bail reform. Ought to Pass with Amendment. The purpose of this bill is to deter those released on bail from committing new crimes. For example, the Committee was informed that drug dealers engage in "bail jumping" and consider the cost just a normal "cost of doing business." The Committee voted 9-3 to approve this proposal to increase the burden of proof required to obtain release prior to imposition of sentence. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Release and Detention; Authority. RSA 597:1 is repealed and reenacted to read as follows:

597:1 Release and Detention Authority Generally. Where the offense is punishable by death or for murder in the first degree where the proof is evident or the presumption is great, the person shall not be allowed bail. All other persons arrested for an offense shall, before conviction, be released or detained pending judicial proceedings, pursuant to the provisions of this chapter.

2 Bail Pending Appeal. RSA 597:1-a is repealed and reenacted to read as follows:

597:1-a Release or Detention of a Defendant Pending Sentence or Appeal.

I. After conviction for an offense punishable by death or by a term of life imprisonment without possibility of parole, a defendant shall not be allowed bail.

II. Except as provided in paragraph I, the court shall order that a person who has been found guilty of a felony and who is awaiting imposition or execution of sentence be detained, unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of the person or to any other person or the community in accordance with the provisions of RSA 597:6-a, II or III. If the court makes such a finding, it shall order the release of the person in accordance with the provisions of RSA 597:6-a, II or III.

III. The court shall order that a person who has been found guilty of a felony and sentenced to a term of imprisonment and who has filed an appeal, be detained, unless the person establishes and the court finds:

(a) By clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of the person or to any other person or the community if released pursuant to RSA 597:6-a, II or III. The court shall consider, but not be limited to the following criteria in determining whether bail is proper under the circumstances:

(1) Whether the person is likely to pose a danger to himself or to any other person or the community, intimidate witnesses, or otherwise interfere with the administration of justice.

(2) Whether there is a substantial risk that the person will not appear to answer the judgment following the conclusion of the appellate proceeding.

(3) The nature of the crime charged.

(4) The length of the sentence imposed.

(b) By a preponderance of the evidence that the appeal is not frivolous or taken merely for delay.

If the court makes such findings, it shall order the release of the person in accordance with the provisions of RSA 597:6-a, II or III.

IV. Any person who has been found guilty of a misdemeanor and who is awaiting imposition or execution of sentence, or who has been sentenced to a term of imprisonment and who has filed an appeal shall, before the conclusion of the appellate proceeding, be:

(a) Released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of RSA 597:6-a, II; or

(b) Released on a condition or combination of conditions pursuant to the provisions of RSA 597:6-a, III.

V. In any case where release is denied pending appeal, the court shall provide for the record the reasons for such denial.

VI. The court shall treat a defendant in a case in which an appeal has been taken by the state pursuant to the provisions of RSA 606:10, in accordance with the provisions of RSA 597:6-a, unless the defendant is otherwise subject to a release or a detention order.

3 Appearance at Superior Court. Amend RSA 597:6 to read as follows:

597:6 Appearance at Superior Court. If the offense is bailable by the municipal or district court, the accused shall be ordered to

recognize, [with sufficient surities in a reasonable amount] *in accordance with the provisions of RSA 597:6-a*, for his appearance at the superior court[,], at the next term thereof for the county at which a grand jury is required to attend, and to stand committed until the order is complied with.

4 Release or Detention Pending Trial. RSA 597:6-a is repealed and reenacted to read as follows:

597:6-a Release or Detention of a Defendant Pending Trial.

I. Upon the appearance before the court of a person charged with an offense, the court shall issue an order that, pending arraignment or trial, the person be:

(a) Released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph II;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;

(c) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph V; or

(d) Detained pursuant to the provisions of paragraph VI.

II. The court shall order the prearrestment or pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a federal, state, or local crime during the period of his release, unless the court determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of the person or of any other person or the community.

III. If the court determines that the release described in paragraph II will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person:

(a) Subject to the condition that the person not commit a federal, state, or local crime during the period of release; and

(b) Subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of the person or of any other person or the community, which may include the condition that the person:

(1) Remain in the custody of a responsible adult, who agrees to supervise him and to report any violation of a release condition to the court, if the responsible adult is able reasonably to assure the court that the person will appear as required and will not pose a danger to the safety of any other person or the community;

(2) Abide by specified restrictions on his personal associations, place of abode, or travel;

(3) Avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

(4) Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

(5) Comply with a specified curfew;

(6) Refrain from possessing a firearm, destructive device, or other dangerous weapon;

(7) Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance as defined in RSA 318-B, without a prescription by a licensed medical practitioner;

(8) Execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court may specify;

(9) Execute a bail bond with solvent sureties in such amounts as is reasonably necessary to assure the appearance of the person as required; and

(10) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the person or of any other person or the community. The court may not impose a financial condition that results in the pretrial detention of the person. The court may at any time amend its order to impose additional or different conditions of release.

IV. In a release order issued pursuant to the provisions of paragraphs II or III, the court shall:

(a) Include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) Advise the person of:

(1) The penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

(2) The consequences of violating a condition release, including the immediate issuance of a warrant for the person's arrest; and

(3) The provisions of RSA 641:5, relative to intimidation of witnesses and informants.

V. If the court determines by a preponderance of the evidence that the person:

(a) Is, and was at the time the offense was committed, on:

(1) Release pending trial for a felony under federal, state, or local law;

(2) Release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal, state, or local law; or

(3) Probation or parole for any offense under federal, state, or local law,

he shall order the detention of the person, for a period of not more than 72 hours from the time of his arrest, excluding Saturdays, Sundays, and holidays, and direct the attorney general, county attorney, or law enforcement agency making the arrest, to notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probation and parole may be subject to arrest and detention as probation and parole violators.

VI. If a justice of the superior court, after a hearing pursuant to the provisions of paragraph VII, finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the person or of any other person or the community, he shall order the detention of the person prior to trial. In a case described in subparagraph VII(a), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of the person or of any other person or the community if the court finds that:

(a) The person has been convicted of an offense in this state that is described in subparagraph VII(a), or of a state, federal, or local offense that would have been an offense described in subparagraph VII(a) if a circumstance giving rise to jurisdiction in this state had existed;

(b) The offense described in subparagraph (a) was committed while the person was on release pending trial for a federal, state, or local offense; and

(c) A period of not more than 5 years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (a), whichever is later. Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the court finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of 15 years or more is prescribed in RSA 318-B.

VII. A justice of the superior court with jurisdiction over the offense shall hold a hearing to determine whether any condition or combination of conditions set forth in paragraph III will reasonably assure the appearance of the person as required or the safety of the person or of any other person or the community in a case:

(a) Upon motion of the attorney general or county attorney, that involves:

(1) An offense that is a felony and that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(2) Any other offense that is a felony and by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission; or

(3) An offense for which the maximum sentence is life imprisonment, or life imprisonment without parole; or

(4) An offense for which a maximum term of imprisonment of 15 years or more is prescribed in RSA 318-B; or

(5) Any felony committed after the person had been convicted of 2 or more prior offenses described in subparagraphs (a)(1) through (4) or 2 or more federal, state, or local offenses that would have been offenses described in subparagraphs (a)(1) through (4) if a circumstance giving rise to jurisdiction in this state had existed; or

(b) Upon motion of the attorney general or county attorney or upon the court's own motion, any felony that involves:

(1) A serious risk that the person will flee;

(2) A serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate or attempt to threaten, injure, or intimidate, a prospective witness or juror;

A motion to initiate pretrial detention proceedings shall be proper at any time regardless of the person's pretrial release status. The hearing shall be held within 72 hours of the person's arrest, unless the person, or the attorney general or county attorney, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed 5 days, and a continuance on motion of the attorney general or county attorney may not exceed 3 days. During a continuance, the person shall be detained. At the hearing, a person has the right to be represented by counsel, and if he is financially unable to retain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the court uses to support a finding pursuant to paragraph VI that no condition or combination of conditions will reasonably assure the safety of the person or of any other person or the community shall be supported by clear and convincing evidence. The facts the court uses to support a finding pursuant to paragraph VI that no condition or combination of conditions will reasonably assure the appearance of the person as required shall be supported by a preponderance of the evidence.

VIII. The court shall, in determining whether there are conditions of release that will reasonably assure the appearance of the

person as required and the safety of the person or of any other person or the community, take into account the available information concerning:

(a) The nature and circumstances of the offense charged, including whether the offense involves the use, attempted use, threatened use or the substantial risk of physical force against the person or property of another, or involves a narcotic drug;

(b) The weight of the evidence against the person;

(c) The history and characteristics of the person,

including:

(1) His character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

(2) Whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under state, federal, or local law; and

(d) The nature and seriousness of the danger to the person or to any other person or the community that would be posed by the person's release.

In considering the conditions of release described in subparagraph III(b)(8), or III(b)(9), the court may upon its own motion, or shall upon the motion of the attorney general or county attorney, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

IX. In a detention order issued pursuant to the provisions of paragraph VI, the court shall:

(a) Include written findings of fact and a written statement of the reasons for detention;

(b) Direct that the person be committed to the custody of the sheriff for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(c) Direct that the person be afforded reasonable opportunity to a private consultation with his counsel; and

(d) Direct that, on order of the court, the sheriff deliver the person for the purpose of an appearance in connection with a court proceeding.

The court may, by subsequent order, permit the temporary release of the person, in the custody of the sheriff or another appropriate person, to the extent that the court determines such release to be necessary for preparation of the person's defense or for another compelling reason.

X. Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

5 Release or Detention of Material Witness; Review and Appeal of Release or Detention Order. Amend RSA 597 by inserting after section 6-c the following new sections:

597:6-d Release or Detention of Material Witness. If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpoena, a justice of the court in which the defendant will be tried may order the arrest of the person and treat the person in accordance with the provisions of RSA 597:6-a. No material witness may be detained because of inability to comply with any condition of release if the trial testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material

witness may be delayed for a reasonable period of time until the trial deposition of the witness may be taken.

597:6-e Review and Appeal of a Release or Detention Order.

I. If a person is ordered released by a bail commissioner or by a municipal or district court, the attorney general or county attorney may file with the superior court a motion for revocation of the order or amendment of the conditions of release.

II(a) If a bail commissioner sets conditions on the release of a person, the person shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

(b) The person may file with the superior court a motion for amendment of the conditions of release set by a municipal or district court, by a justice, or by a bail commissioner. The motion shall be determined promptly.

III. The person, or the state pursuant to the provisions of RSA 606:10, V, may appeal to the supreme court from a court's release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

6 Sanctions for Violation of Release Condition. RSA 597:7-a is repealed and reenacted to read as follows:

597:7-a Detention and Sanctions for Default or Breach of Conditions.

I. A peace officer may detain an accused until he can be brought before a justice if he has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if he witnesses a breach of conditions of release. The accused shall be brought before a justice for a bail revocation hearing within 24 hours, Sundays and holidays excepted.

II. A person who has been released pursuant to the provisions of RSA 597:6-a and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

III. The attorney general or county attorney may initiate a proceeding for revocation of an order of release by filing a motion with the justice who ordered the release and whose order is alleged to have been violated. The court may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before the court for a proceeding in accordance with this section. The court shall enter an order of revocation and detention if, after a hearing, the court:

(a) Finds that there is:

(1) Probable cause to believe that the person has committed a federal, state, or local crime while on release; or

(2) Clear and convincing evidence that the person has violated any other condition of his release; and

(b) Finds that:

(1) Based on the factors set forth in RSA 597:6-a, VIII, there is no condition or combination of conditions of release that will assure that the person will not flee or that the person will not pose a danger to the safety of himself or any other person or the community; or

(2) The person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a federal, state, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person shall not pose a danger to the safety of any other person or the community. If the court finds that there are conditions of release that shall assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will

abide by such conditions, he shall treat that person in accordance with the provisions of RSA 597:6-a and may amend the conditions of release accordingly.

IV. The court may commence a prosecution for contempt if the person has violated a condition of his release.

7 Minors. Amend RSA 597:14 to read as follows:

597:14 Minors [, etc]. Minors [and married women,] and their sureties shall be bound by their [recognizances] *recognizance* in the same manner as if [the] *their* principals were of full age [and unmarried].

8 New Section; Penalty; Offense While on Release. Amend RSA 597 by inserting after section 14-a the following new section:

597:14-b Penalty for Offense Committed While on Release.

I. A person convicted of an offense while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to:

(a) A term of imprisonment of not more than 7 years if the offense is a felony; or

(b) A maximum term of imprisonment of not more than one year if the offense is a misdemeanor.

II. A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment. Neither the penalty provided by this section or any prosecution under this section shall interfere with or prevent the forfeiture of any bail or the exercise by the court of its power to punish for contempt, but this section shall be construed to provide an additional penalty for failure to appear.

9 Declaration of Forfeiture. RSA 597:31 is repealed and reenacted to read as follows:

597:31 Declaration of Forfeiture. If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to RSA 597:6-a, II or is subject to the release conditions set forth in RSA 597:6-a, III(b)(8) or III(b)(9), the court may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the state.

10 Bail Jumping; Penalty. RSA 642:8, III is repealed and reenacted to read as follows:

III. If the person was released:

(a) In connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal after conviction for:

(1) An offense punishable by death, life imprisonment, or imprisonment of a maximum term of 15 years or more, he shall be fined not more than \$10,000 or imprisoned for not more than 15 years, or both;

(2) An offense punishable by imprisonment for a maximum term of 7 years or more, but less than 15 years, he shall be fined not more than \$5,000 or imprisoned for not more than 7 years, or both;

(3) A misdemeanor, he shall be fined not more than \$2,000 or imprisoned for not more than one year, or both; or

(b) For appearance as a material witness, he shall be fined not more than \$1,000 or imprisoned for not more than one year or both.

IV. A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

11 Cross-Reference. Amend RSA 262:27, III to read as follows:

III. Upon the failure of any nonresident to comply with the terms of such a traffic citation, the court having jurisdiction shall

issue a warrant for his arrest and he shall be subject to the penalty provisions of RSA [597:14-a] 597:14-b. The court shall notify the department of the failure of the cited nonresident to appear. Said notification shall clearly identify the person arrested; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle.

12 Repeal. The following sections are repealed:

I. RSA 597:1-b, relative to probationers and parolees.

II. RSA 597:2-a, relative to 10 percent bail.

III. RSA 597:6-b, relative to hearings before a justice.

IV. RSA 597:6-c, relative to petitions to the superior court to review bail.

V. RSA 597:14-a, relative to punishment for failure to appear before the court.

13 Effective Date. This act shall take January 1, 1988.

AMENDED ANALYSIS

This bill makes changes in the pretrial release and bail laws of this state.

The provisions of this bill, as amended, concerning pretrial detention and pretrial release: (a) allow pretrial detention of a defendant if no condition of release will assure his appearance or the safety of specific individuals or the community; (b) allow judges to consider danger to the community, the person, or individuals in setting pretrial release conditions other than financial conditions; (c) permit the imposition of additional types of release conditions, including probationary-type supervision; (d) provide procedures for revoking the release of a defendant who has violated a condition of his release; (e) bar post-sentence release unless a defendant proves that such release would not pose flight or safety risks and that the case is likely to be reversed on appeal; and (f) raise penalties for bail jumping and provide mandatory penalties for crimes committed while on pretrial release.

This bill grants the state specific authority to appeal bail decisions to the same extent that such authority is given to defendants. This bill inserts a presumption against post-conviction release and stresses that released defendants must refrain from criminal activity during the term of their release. In addition, the bill increases penalties for released defendants who fail to appear and authorizes the court to order the defendant to forfeit any bond or other property he has pledged to secure his release if he fails to appear.

This bill was requested by the department of justice.

Amendment adopted.

Ordered to third reading.

HB 621-FN, relative to computation of wages for purposes of workers' compensation benefits. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This amended bill contains a compromise of several re-referred bills as heard by the Labor Committee and the Workers' Compensation Advisory Council. It included:

(1) Limited Tort Immunity For Co-employees. This is the section meant to address the lack of immunity for employees which was created by the so-called Estabrook decision.

(2) Combined Earnings. The Commission supports the wording of HB 621 which provides reasonable compensation benefits for employees injured on a second or part-time job. The bill also

(on page 3) uses the existing "second injury fund" to provide reimbursement to an employee's insurance carrier so that the employer will not be penalized by having to pay the cost of full benefits for an employee who worked part-time.

(3) Interest at Treasury Bill Rate. This section provides for the payment of interest on benefits which are found by the Labor Department to be owed to the employee.

(4) Limited Reimbursement of Attorney Fees. This section is a compromise between payment of full attorney fees in cases disputed at the Labor Department. Payment will be shared 50/50 between the claimant and insurance carrier.

(5) Adding permanent impairment of the spine to the listing of impairments in the Workers' Compensation Statute. There was significant support for this legislation before the Advisory Commission.

(6) The last page of the proposal lists an effective date of July 1, 1988. Because this bill will be introduced early in the session it was decided that a July 1st date would be preferable to the usual January 1st date. The "non-severability" clause has been added so that if any part of this bill is declared invalid the entire package will fail.

Also, this bill includes an amendment providing average state wage benefits to part-time policemen injured on their job. Vote 11-6. Rep. Maurice B. MacDonald for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The minority being unable to agree with the majority recommends HB 621 be Inexpedient to Legislate. This bill has been touted as a compromise bill. However, the business representative and the Senator on the Workers' Compensation Advisory Council voted against recommending it to the Labor Committee. The majority of the business community is against this, as is the Municipal Association, and other parts of the public sector.

This bill will be particularly burdensome to small business and the recreation community. The projection of the increased premium cost is 3.1% to 3.6%. A factor not taken into consideration is that this cost is for the first year. Almost always such projections increase yearly. The cost to the public sector will show up in increased taxes, and in the private sector will show up in increased prices. Reps. Calvin Warburton, Mark E. Manus, Robert H. Turner, E. Jane Walker and David B. Young for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Warburton moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Maurice MacDonald spoke against the motion and yielded to questions.

Rep. Turner spoke in favor of the motion.

Rep. Reidy requested a quorum count.

The Speaker declared a quorum present.

Rep. Reidy spoke against the motion.

Rep. Manus spoke in favor of the motion.

Reps. Hawkins and Blanchette spoke against the motion and yielded to questions.

Rep. David Young spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

Reps. Gross and Lozeau abstained from voting under Rule 16.

YEAS 230 NAYS 110
YEAS 230

BELKNAP: Bolduc, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Clark, Delano, Doucette, Foster, Irvin Gordon, Grodin, Hunt, Miller, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Marsh, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Bean, Christy, Dearborn, Driscoll, Hammond, Lougee, Ezra Mann, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Beaupre, Chretien, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Dykstra, Clyde Eaton, Fields, Nancy Ford, Gagnon, Granger, Scott Green, Grip, Guilbert, Hatch, Holden, Humphrey, Michael Jones, Keefe, Robert Kelley, Alice Knight, Kurk, Lefebvre, Levesque, Mason, Bonnie McCann, McRae, Moore, Morrisette, Packard, Pariseau, Perham, Prestipino, Ellen-Ann Robinson, Rodgers, Sallada, Shriver, Steiner, Stiles, Stonner, Tarpley, Vanderlosk, Wagner, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Hager, Hayes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Phelps, Doris Riley, Walter Robinson, Stio, West and Whitemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Bucu, Lawrence A. Chase, Jr., Conroy, Cooke, Ellyson, Felch, Harry Flanders, Bert Ford, Thomas Gage, Gosselin, Gourdeau, Haynes, Hoar, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Magoon, Malcolm, McKinney, Nagel, Palumbo, Parr, Ritzo, Schmidtchen, Schwaner, Scott, Seward, Sherburne, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frew, Jean, Robert Jones, Kinney, Koromilas, Laurion, Martling, Musler, Parks, Pelley, Proulx, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, D'Amante, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 110

BELKNAP: Bowler, Richard Campbell, Dexter, Hawkins, Maviglio, Randall and Wixson.

CHESHIRE: Cole, Frink, Matson, Ramsay, William Riley and Schwartz.

COOS: Guay and Mayhew.

GRAFTON: Adams, Arnesen, Blair, Chambers, Copenhaver, Densmore, Wayne King, LaMott and Walter.

HILLSBOROUGH: Ahern, Baker, Baldizar, Bourque, Buckley, Burkush, A. Leslie Burns, Champagne, Cote, Cusson, Dwyer, Frank, Ruth Gage, Marian Harrington, Healy, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Leclerc, Lown, McGlynn, Messier, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Paquette, Pignatelli, Reardon, Reidy, Routhier, Leonard Smith, Soucy, Sullivan, Turgeon and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Douglas Hall, Hess, Mary Holmes, Pantzer, Provencal, Rehlander, Trombly, Tupper and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Butler, Eunice Campbell, Carpenito, Cressy, Cushing, Flanagan, John Flanders, Beverly Gage, Hynes, Lovejoy, Maurice MacDonald, William F. McCain, McGovern, Merchant, Pantelakos, Popov, Read, Rosencrantz, Sanderson, Splaine, Vaughn and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Sandra Keans, Kincaid, Lachance, William McCann, McManus, Francis Robinson and Spear.

SULLIVAN: Cutting, and the motion was adopted.

Rep. Long notified the Clerk that she wished to be recorded against the substitute motion.

Resolution adopted.

RECONSIDERATION

Rep. Warburton moved that the House reconsider its action whereby it killed HB 621, relative to computation of wages for purposes of workers' compensation benefits.

Reconsideration lost.

COMMITTEE REPORTS (cont.)

HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire. Ought to Pass with Amendment.

House Bill 203 amends the current laws regarding decommissioning of nuclear power plants. The bill redefines "premature shutdown" and requires its associated costs and decommissioning costs in excess of the accumulated nuclear decommissioning financing fund to be paid by the owner(s) of the facility. Those costs cannot be charged to the State or utility ratepayers. Since decommissioning costs have not yet been determined or planned for, the Committee wanted to make sure that the State's taxpayers and ratepayers would be protected. Decommissioning costs could range as high as construction costs, and the Committee felt current law should be amended to include several possible situations. The financing committee is authorized to revise a funding schedule pending Public Utilities Commission approval, and revenue from equipment sales must be deducted from the total amount of the fund. Vote 7-1. Rep. Susan Schwartz for Science, Technology and Energy.

Rep. Randall moved that HB 203 be recommitted to the Committee on Science, Technology and Energy and spoke to his motion.

Reps. Frederic Foss and Douglas Hall spoke in favor of the motion.

Reps. Hunt, Schwartz and Bowler spoke against the motion.

A division was requested.

Rep. Sytek abstained from voting under Rule 16.

155 members having voted in the affirmative and 109 in the negative, the motion was adopted.

HB 203 was recommitted to the Committee on Science, Technology and Energy.

HB 539-FN, relative to costs to be excluded from a public utility's rate base. Inexpedient to Legislate.

Whereas this bill has had ample time for study and has produced more questions than answers, and whereas, it would take an extensive amount of time to produce specifics regarding this bill, it is the majority of the Committee's opinion to recommend that this bill, by a vote of 8 to 4 for Inexpedient to Legislate. Rep. Raymond H. Gourdeau for Science, Technology and Energy.

Rep. Sytek abstained from voting under Rule 16.
Resolution adopted.

HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority. Ought to Pass with Amendment. This legislation, as amended, creates a housing fund to be administered by the Housing Finance Authority for the purposes of maximizing private investment in the creation of new affordable housing and the preservation of the existing stock of low and moderate income housing. An appropriation of \$15 million is sought to capitalize this fund. The Committee has extensively studied the affordable housing crisis and unanimously voted this legislation Ought to Pass, as amended. Vote 13-0. Rep. Judy E. Reardon for State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing the affordable housing fund within
the New Hampshire housing finance authority
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Statement of Intent.

I. There now exists in many cities and towns in the state an acute shortage of decent, safe, and sanitary housing available at costs which low or moderate income people can afford. This shortage results from both public and private actions, such as the taking of property for public facilities, the conversion to condominiums or other higher cost shelter of housing previously affordable to low or moderate income persons, and the abandonment of low income housing programs. Federal financing for the creation and satisfactory operation of such housing has in recent years been severely curtailed. Because New Hampshire is one of the fastest growing states in the United States, the state has been unable through its current programs to keep pace with the growing need for such housing.

II. All of these developments have led to an increase in the number of low or moderate income persons who have become displaced, are about to become displaced, or are denied access to housing which is decent, safe, and sanitary.

III. Within the next decade, contracts and programs providing federal assistance to thousands of low income persons in this state will

expire, causing these persons to lose their ability to afford adequate shelter.

IV. The existing shortage in the state of decent and affordable housing for low income persons is inimical to the safety, health, and welfare of all of the residents of the state and inhibits sound growth of its communities.

V. In view of the necessarily high costs in this state of constructing and maintaining decent housing, even of the most modest design and appointments, this housing emergency cannot be met by the private sector nor by municipal or regional housing agencies without public participation.

VI. It is therefore necessary that a recyclable fund be created which can maximize private investment primarily for the preservation and maintenance of the stock of affordable housing so as to minimize the need for future public subsidies.

2 New Subdivision; Affordable Housing Fund. Amend RSA 204-C by inserting after section 55 the following new subdivision:

Affordable Housing Fund

204-C:56 Definitions. As used in this subdivision:

I. "Affordable housing" means:

(a) Housing whose combined rental and utility costs does not exceed 30 percent of the gross income of persons of low or moderate income, as the case may be.

(b) In cases where there is no direct federal or state rental assistance being provided to the unit or the tenant who occupies it, a housing unit may be deemed affordable if the rent does not exceed 1/12 of the tenant's pro rata share of the annual operating expenses, mortgage payments, and real estate taxes for the project; provided that:

(1) In no case shall depreciation of real or personal property be deemed an operating expense; and

(2) The rent does not exceed the applicable fair market rent, as published from time to time by the United States Department of Housing and Urban Development pursuant to the section 8 existing housing or "housing voucher" programs, 42 U.S.C. section 1437f.

(c) Notwithstanding any other provisions of this section, a unit which exceeds the fair market rent as defined in subparagraph I(b)(2) of this section may be deemed affordable by the housing finance authority if the authority makes the following specific findings:

(1) Assistance from the fund is necessary to prevent the displacement of low or moderate income tenants from a project in which the majority of tenants are of low or moderate income; and

(2) The applicant has made all reasonable efforts to obtain rental assistance for low or moderate income tenants who will be forced to pay more than 30 percent of their income for rent; and

(3) The rents proposed by the applicant are as low as the applicant can possibly charge without endangering the financial and physical integrity of the project.

II. "Eligible applicants" means:

(a) Nonprofit corporations which have obtained or are in the process of obtaining tax exempt status pursuant to section 501 (c) (3) of the United States Internal Revenue Code.

(b) Consumer cooperatives created pursuant to RSA 301-A which limit the equity value of cooperative shares.

(c) Local housing authorities created pursuant to RSA 203.

(d) Units of local government.

(e) The New Hampshire housing finance authority.

(f) Regional planning commissions created pursuant to RSA

36.

III. "Fund" means the affordable housing fund established by RSA 204-C:57.

IV. "Market-rate interest" means the rates of interest yielded by various types of accounts and securities as determined from time to time by the authority.

V. "Person of low income" means any single individual or any family whose gross income is less than 50 percent of the median income of, respectively, all single persons or all families, adjusted for number of members, residing in the applicable geographical area of the state.

VI. "Person of moderate income" means any single individual or any family whose gross income is between 50 and 80 percent of the median income of, respectively, all single persons or all families, adjusted for the number of members, residing in the applicable geographical area of the state.

204-C:57 Fund Established.

I. There is hereby established within the authority an affordable housing fund. All revenues collected from the sources described in RSA 204-C:59 or from other sources shall be credited to the fund, but such revenues shall not be deemed to be money received on account of the state, and nothing in this subdivision shall be understood as pledging the faith and credit of the state. Such funds shall be used by the authority to facilitate the creation or preservation of permanent, affordable housing primarily for low and moderate income persons and families, as provided in paragraph II, and for pre-construction technical assistance to entities which undertake such efforts.

II. The authority shall enter into contracts for grants and loans with eligible applicants according to standards and rules that the authority shall adopt and publish, provided that in entering into contracts pursuant to this section, the authority shall give priority to the following permanent, affordable housing projects:

(a) Projects containing the highest percentage of housing units which are affordable to low income people;

(b) Projects containing the longest commitment to low-income people;

(c) Limited equity cooperatives, including, but not limited to, manufactured housing parks and apartment buildings, in which the majority of members are of low or moderate income;

(d) Projects containing the maximum number of units for low or moderate income families with children; and

(e) Projects which shall preserve the existing stock of low and moderate income housing.

No application from an eligible applicant shall be rejected solely or primarily because a greater level of assistance will be required to make the proposal feasible due to market conditions prevailing in the geographical area as opposed to other areas of the state.

III. In granting assistance pursuant to paragraph II, the authority shall make all reasonable efforts to assure that all geographic areas from which there are proposals satisfying the criteria of paragraph II shall receive assistance.

IV. No assistance shall be granted for any project in which more than 50 percent of the units are to be occupied by persons who are not of low or moderate income.

V. At least 60 percent of the assistance granted from the fund in any year shall be in the form of loans, repayment of which shall be recycled back into the fund, and no more than 20 percent of the assistance granted in any year shall be in the form of rental assistance.

204-C:58 Oversight of Projects. During the course of construction or rehabilitation of housing in any approved project, it shall be the duty of the authority to render technical assistance to the entity undertaking the project and to oversee the process so as to assure that it is completed in accordance with design specifications, on schedule and within budgetary limits. In case any such project appears to be deviating from specifications, schedule or budget, the authority shall

have the option of terminating the project, continuing the project subject to such conditions as appear to the authority to be in the public interest, or condoning the deviations if the authority concludes that they are acceptable. If the authority determines that the entity in charge of the project is not competent to carry the project forward but that the project is still worth completing, it may oust the entity and complete the project through such other means and agents and under such financial conditions as it determines to be in the public interest.

204-C:59 Capitalization of Fund. The affordable housing fund shall be capitalized with donations, transfers, set asides, or appropriations authorized by law, including, but not limited to:

I. The interest earned on tenant security deposits held in interest-bearing accounts in banks, savings and loan associations, and credit unions, pursuant to RSA 540-A:6, IV.

II. Fees paid to the authority from the development of multi-family, industrial development bonds issued pursuant to the federal Tax Equity and Fiscal Responsibility Act, 26 U.S.C. section 103(b)(4)(A).

III. Repayment of loans made by the fund.

IV. Voluntary donations from private persons and entities.

204-C:60 Investments of Funds. Moneys deposited in the fund may be invested by the authority as part of its investment portfolio; provided, however, that sufficient funds are made available to grant applications for emergency assistance and the routine flow of regular applications. Income earned from such investment shall be returned to the affordable housing fund.

204-C:61 Role of Authority Concerning Funds. The fund shall supplement, not supplant, the responsibility of the authority to address the housing needs of persons of low and moderate income.

3 House Financing Authority. Amend RSA 204-C:3 to read as follows:

204-C:3 Housing Finance Board. The powers of the authority shall be vested in [9] 11 members, comprised of men and women, to be appointed by the governor with the advice and consent of the council. One member of the board shall be a person having experience in the construction of single-family real estate; one member shall be a person having experience with the business of selling or renting real estate; one member shall be a person having experience in residential mortgage banking; *one member shall be the director of the office of state planning or his designee; one member shall be an executive director of a New Hampshire community action program; one member shall be the designee of the New Hampshire Association of Public Housing Authorities; one member shall be a person appointed from lists submitted by organizations representing the interests of low income people; and at least 2 members shall be persons representing the general public who [are neither bankers, builders, nor in the business of selling or renting real estate] would not qualify for any of the above positions.* No more the [5] 6 members shall be of the same political party. The governor shall appoint annually a chairman and the members shall elect annually from among their number a vice-chairman and such officers as they may determine. Terms of board members shall be 5 years, except that all vacancies shall be filled for the unexpired term. [In 1986, members shall be appointed to the following terms: one member to a one year term, 2 members to a 2 year term, 2 members to a 3 year term, 2 members to a 4 year term, and 2 members for a 5 year term.] *In 1988 and 1989, members shall be appointed to fill the positions designated for the office of state planning, representatives of community action programs, local housing authorities and low income organizations.* No member may serve more than 2 full consecutive terms. No member of the board shall serve on any other state board, commission, or in any other state agency, *except the office of state planning*, during his term of office as a member of the housing finance board. A member shall hold office until his successor has been appointed and qualified. Members shall receive [no salary] \$25 a day for the performance of their duties under this chapter, [but]

and each member shall be reimbursed for reasonable expenses incurred in carrying out his duties under this chapter.

4 New Paragraph; Rulemaking. Amend RSA 204-C:9 by inserting after paragraph XIII the following new paragraph:

XIV. Procedures for application, review of applications, collection and disbursement of funds, and guidelines for eligible projects and such other matters necessary for the administration of the affordable housing fund. Notwithstanding the provisions of RSA 204-C:53, rules for the affordable housing fund, as authorized by this paragraph, shall be adopted by the authority pursuant to RSA 541-A.

5 Copy of Receipt to Authority; Delete Reference to Bond. Amend RSA 540-A:6, I to read as follows:

I. A landlord shall not demand or receive any security deposit in an amount or value in excess of one month's rent or \$100, whichever is greater. Upon receiving a deposit from a tenant, a landlord shall forthwith deliver to the tenant *and to the New Hampshire housing finance authority* a signed receipt stating the amount of the deposit, [and] specifying the place where the deposit [or bond for the deposit pursuant to RSA 540-A:6, II(c)] will be held, *and notifying the tenant that the interest earned on the deposit will be paid to the housing finance authority*, and shall notify the tenant that any conditions in the rental unit in need of repair or correction should be noted on the receipt or given to the landlord in writing within 5 days of occupancy.

6 Deposit in Interest-Bearing Accounts. RSA 540-A:6, II(b) is repealed and reenacted to read as follows:

(b) All security deposits held by a landlord shall be deposited in interest-bearing accounts held in trust for tenants, and shall be designated as such, at any bank, savings and loan association, or credit union organized under the laws of the state, and may be mingled in a single account held in trusts for tenants, in satisfaction of the requirements of RSA 540-A:6, II(a).

7 Delete Reference to Interest. Amend RSA 540-A:6, III(c) to read as follows:

(c) Any landlord who turns over to his grantee, his assignee, a purchaser at a foreclosure sale, or the receiver in a foreclosure action the amount of such security deposit [with interest due, if any,] is thereby relieved of liability to the tenant for repayment of the deposit. The transferee of the security deposit is then responsible for the return of the security deposit to the tenant or licensee, unless, before the expiration of the term of the tenant's lease or licensee's agreement, he transfers the security deposit to another, pursuant to RSA 540-A:6, III(a) and gives the requisite notice pursuant to RSA 540-A:6, III(b). A receiver shall hold the security subject to its disposition as provided in an order of the court to be made and entered in the foreclosure action.

8 Interest on Security Deposits Paid to Housing Finance Authority. Amend RSA 540-A:6, IV to read as follows:

IV.(a) [A landlord who holds a security deposit for a period of one year or longer shall pay to the tenant interest on the deposit at a rate equal to 5 percent or] *A landlord shall pay to the housing finance authority interest on the security deposit at a rate equal to the interest rate paid on regular savings accounts in the New Hampshire bank, savings and loan association, or credit union in which it is deposited, [whichever is larger,] commencing from the date the landlord receives the deposit or from September 13, 1977, whichever is later. [If a landlord mingles security deposits in a single account under RSA 540-A:6, II(b), the landlord shall pay the actual interest earned on such account proportionately to each tenant.]*

(b) Upon request a landlord shall provide to the tenant *or the housing finance authority* the name of any bank, savings and loan association, or credit union where his security deposit is on deposit, the account number, the amount on deposit, and the interest rate on the deposit and shall allow the tenant *or the housing finance authority* to examine [his] *the* security deposit records.

(c) *At the end of each calendar year, a landlord shall take the interest earned on such accounts and deliver such amount to the housing finance authority to be deposited in the affordable housing fund established under RSA 204-C:57.*

9 Return of Security Deposit. Amend RSA 540-A:7, I to read as follows:

I. A landlord shall return a security deposit to a tenant [and pay the interest due, if any,] within 30 days from the termination of the tenancy. If there are any damages to the premises, excluding reasonable wear and tear, the landlord may deduct the costs of repair from the security deposit. The landlord shall provide the tenant with a written, itemized list of any damages for which the landlord claims the tenant is liable, which shall indicate with particularity the nature of any repair necessary to correct any damage and satisfactory evidence that repair necessary to correct these damages has been or will be completed. Satisfactory evidence may include, but not be limited to, receipts for purchased repair materials and labor estimates, bills or invoices indicating the actual or estimated cost thereof.

10 Remedies. Amend RSA 540-A:8, I and II to read as follows:

I.(a) Any landlord who does not comply with RSA 540-A:6, I, II, [or] III *or IV* shall be deemed to have violated RSA 358-A:2, *which may be privately enforced by a tenant pursuant to RSA 358-A:10.*

(b) Any landlord who does not comply with [RSA 540-A:6, IV or] RSA 540-A:7 shall be liable to the tenant in damages in an amount equal to twice [the sum of] the amount of the security deposit [plus any interest due under this subdivision], less any payments made and any charges owing for damages, unpaid rent, or share of real estate taxes as specified in RSA 540-A:7.

(c) *Any landlord who does not comply with RSA 540-A:6, IV shall be liable to the housing finance authority in damages in an amount equal to \$100 per rental unit for which interest is not transferred to the housing finance authority. If the housing finance authority prevails in any action brought pursuant to this section, it shall be awarded the costs of the suit and its attorney's fees.*

II. Notwithstanding RSA 540-A:6, 540-A:7, and 540-A:8, I, a landlord shall not be liable nor forfeit any rights if his failure to comply with said sections and paragraph is due to the failure of the tenant to notify the landlord of his new address upon termination of the tenancy. Any deposits [plus interest due on the deposit] that remain unclaimed after 6 months from the termination of the tenancy shall become the property of the landlord, free and clear of any claim of the tenant, absent fraud.

11 Appropriation. The sum of \$15,000,000 is hereby appropriated for the fiscal year ending June 30, 1989, to the housing finance authority for the purposes of this act. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Repeal. The following are repealed:

I. RSA 204-C:13, relative to lending institutions and purchase of mortgage loans for single family housing.

II. RSA 540-A:6, II(c), relative to bonds held in lieu of security deposits.

13 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill establishes an affordable housing fund within the New Hampshire housing finance authority for the purpose of funding the development of housing for low and moderate income people.

The fund will be administered by the New Hampshire housing finance authority, which will review applications, contracts, and policies for the fund.

Moneys for the fund will come from developers' fees, interest on tenants' security deposits, repayments of loans from the fund, and donations.

The bill requires a landlord to give a receipt to the housing finance authority, as well as the tenant, for the tenant's security deposit. At the end of each calendar year, the landlord must pay all security deposit interest to the authority for deposit into the affordable housing fund.

The bill appropriates \$15,000,000 to the housing financing authority for the purposes of the bill.

Rep. Parker spoke in favor of the Committee report.

(Deputy Speaker Burns in the Chair)

Reps. Chambers and Palumbo spoke in favor of the Committee report.

Amendment adopted.

Referred to Appropriations.

(Speaker in the Chair)

HB 252-FN-A, reducing the rate of the business profits tax to 7.95 percent. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The 1985 Legislature raised the Business Profits Tax to take effect across the business year and provided its reduction to take place automatically on July 1, 1987. Through an oversight, the provision to reduce the tax in the same manner, i.e., across the business year, was omitted. This bill corrects that error and restores the intent and integrity of the Legislature. Vote 13-1. Rep. Kathleen W. Ward for the Majority of Ways and Means.

MINORITY: House Bill 252, amended to totally gut the original intent of this legislation, is presented as a housekeeping measure, carrying out fairness and equity to the business community. Not so! This legislation eliminates \$1.7 million from estimated revenues that we have already spent. If the Legislature carries out this standard of fairness, all programs enacted in the middle of a calendar year will become retroactive to the beginning of the term; the AFDC Housing increase will be retroactive to provide security deposits to welfare mothers, and the list could go on. We all have our pet projects. If the Legislature wants to assist businesses, it would better use this \$1.7 million to establish child care facilities to enlarge our work force with mothers unable to afford to work. Rep. Robert W. Jean for the Minority of Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the rate of the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Application of Business Profits Tax Rate. For returns and taxes due on account of taxable periods ending on or after July 1, 1987, every business organization shall apply a rate of 8 percent to its taxable business profits. The rate of 8 percent upon taxable business profits shall apply to: (1) business organizations having a tax year beginning before July 1, 1987, and ending after June 30, 1987, and (2) business organizations having a short period tax year containing fewer than 12 months beginning before July 1, 1987, and ending after June 30, 1987. A pro-rated tax rate shall not be applied to the taxable business profits of business organizations listed under this section for the 1987 tax year.

2 Credit Against Tax. Every business organization which has paid the business profits at a tax rate greater than 8 percent for any part of its tax year beginning before July 1, 1987, and ending after June 30, 1987, shall be entitled to a credit against any unpaid tax due for the following taxable period, provided that the business organization timely files its demand for a credit with the commissioner of revenue administration under RSA 77-A:13 on or before September 1, 1988.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

As amended, this bill eliminates a pro-rated tax rate in the business profits tax. The flat tax rate of 8 percent applies to tax periods beginning prior to July 1, 1987, and ending after June 30, 1987, for the 1987 tax year.

Every business organization which has paid a pro-rated business profits tax for any part of its 1987 tax year is entitled to a credit against any unpaid tax due for the 1988 tax year.

Amendment adopted.

Rep. Jean spoke against the Committee report.

Rep. Ward spoke in favor of the Committee report.

Ordered to third reading.

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 6:45 p.m. for the purpose of receiving His Excellency, The Governor, and to hear any communication he may be pleased to make.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that His Excellency, John H. Sununu, be notified that the House of Representatives and the Senate will be ready to meet in Joint Convention at 7:00 p.m. for the purpose of hearing any communication that he may be pleased to make.

Adopted.

COMMITTEE REPORTS (cont.)

HB 330-FN-A, relative to an exception to the real estate transfer tax. Ought to Pass with Amendment.

The bill has been amended so that the exceptions in the current statute remain unchanged. The amendment creates a new exception to the Real Estate Transfer Tax. The exception would apply to any sales of property to the Trust for New Hampshire Lands, as the Trust will be pre-acquiring 15-50% of the lands to be protected and transferred

to the New Hampshire Land Conservation Investment Program. Vote 15-0. Rep. Barbara E. Arnold for Ways and Means.

Amendment

Amend the bill by replacing section 1 with the following:

1 Title Transfers to Trust for New Hampshire Lands. Amend RSA 78-B:2 by inserting after paragraph VII the following new paragraph:

VIII. To a transfer of title to the Trust for New Hampshire Lands when the Trust for New Hampshire Lands acquires the real estate for the purpose of transferring title to the real estate so acquired to the land conservation investment program, RSA 221-A. The exception provided in this paragraph shall only apply to the Trust for New Hampshire Lands. The seller, grantor, assignor, or transferor of any real estate to the Trust shall still be liable for payment of the tax imposed by RSA 78-B:1.

AMENDED ANALYSIS

As amended, this bill exempts a transfer of title to the Trust for New Hampshire Lands when the Trust acquires the real estate for the purpose of transferring title to the real estate so acquired to the land conservation investment program. The exemption only applies to the Trust. The seller, grantor, assignor, or transferor of the real estate is still liable for payment of the tax.

Amendment adopted.

Ordered to third reading.

HB 331-FN-A, increasing the interest and dividends tax exemption. Ought to Pass with Amendment. .

The Committee was unable to reach a meaningful decision regarding the terms of the original bill which sought to increase the exemption to \$1800 per person, a 50% increase. In the course of discussion, it was determined that an unintentional flaw existed in RSA 77:18. As revised in the '85-86 term it was intended to eliminate the requirement to file a return if all interest and dividends amounted to less than the applicable basic exemption. However, dividends were unintentionally omitted from the law and filing is required for all dividends. This revision of RSA 77:18, IV, will now eliminate the requirement to file a return if the total of both interest and dividends does not exceed the applicable basic exemption. Vote 16-0. Rep. Eliot B. Ware for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to filing returns under the interest
and dividends tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Interest and Dividends Tax; Filing Returns. RSA 77:18, IV is repealed and reenacted to read as follows:

IV. Notwithstanding the provisions of paragraphs I-III, the following individuals shall not be required to file a return and shall not be considered to have gross or net taxable income for the purposes of this chapter:

(a) Every individual whose total interest and dividend income, after deducting all interest and dividend income derived from New Hampshire and Vermont banks or credit unions, is less than \$1,200 for a taxable period.

(b) For joint filers whose total interest and dividend income, after deducting all interest and dividend income derived from New Hampshire and Vermont banks or credit unions, is less than \$2,400 for a taxable period.

2 Effective Date. This act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending after December 31, 1987.

AMENDED ANALYSIS

As amended, this bill changes the filing requirements under the interest and dividends tax so that the following individuals are not required to file a return and are not considered to have gross or taxable income under RSA 77:

(1) Every individual whose total interest and dividend income, after deducting all interest and dividend income derived from New Hampshire and Vermont banks or credit unions, is less than \$1,200 for a taxable period.

(2) For joint filers whose total interest and dividend income, after deducting all interest and dividend income derived from New Hampshire and Vermont banks or credit unions, is less than \$2,400 for a taxable period.

Amendment adopted.

Ordered to third reading.

HB 352-FN-A, relative to the return of revenue to cities and towns. Ought to Pass with Amendment.

The principle of revenue-sharing between the State and its municipalities was established in 1970. In spite of inflation and growth, the amount to be shared has not increased since 1984. This bill provides for a formula whereby each year the cities and towns will receive the same amount as in the preceding year, increased or decreased by one-half the percentage change in general fund revenues for the two preceding years, but not less than \$52 million. The increase is further limited to 8%. Vote 12-0. Rep. Kathleen W. Ward for Ways and Means.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Revenue Sharing. Amend RSA 31-A:1 to read as follows:

31-A:1 Return of Revenue. Commencing in 1970 and in each year thereafter, a portion of the general revenue of the state shall be returned to each city and town of the state. *This shall be known as the state-municipal revenue sharing program.*

2 Determination of Amounts Returnable. RSA 31-A:4 is repealed and reenacted to read as follows:

31-A:4 Determination of Total Amount Returnable.

I. The total amount to be distributed each year under this chapter shall equal the amount distributed in the prior year increased or decreased by an amount equal to 1/2 of the percentage change in state general fund revenues between the 2 immediately preceding fiscal years.

II. In no event shall the amount distributed be less than \$52,000,000 nor shall any increase in one year exceed 8 percent of the prior year's distribution.

3 Time of Payment. RSA 31-A:5 is repealed and reenacted to read as follows:

31-A:5 Time of Payment.

I. The state treasurer shall pay over to each city or town with a fiscal year ending in December the amount due to it in installments as follows:

- (a) 1/2 on September 15; and
- (b) 1/2 on December 15.

II. If a city or town has adopted a fiscal year ending in June, the state treasurer shall make payments in installments as follows:

- (a) 1/2 on July 15; and
- (b) 1/2 on December 15.

III. The state treasurer is authorized to make estimated installment payments pursuant to subparagraphs I(a) or II(a) based on prior year distributions, unaudited general fund revenue estimates, population estimates, and other estimated base data and to adjust subsequent installment payments made pursuant to subparagraphs I(b) or II(b) of this section to conform to actual revenues and base data.

IV.(a) Notwithstanding any other provision of law to the contrary, any city or town which has adopted a fiscal year ending in June is hereby authorized, at its option, to include as part of its revenue sharing distribution under this chapter for any fiscal year ending on June 30, all or any part of the revenue sharing distribution installment due under this chapter on the July 15 next following the fiscal year in which the option is exercised, for tax rate setting purposes.

(b) The commissioner of revenue administration shall recognize said inclusion for purposes of his establishment and approval of the tax rate for such city or town, pursuant to RSA 21-J:3, XV, for each fiscal year in which such option is exercised.

(c) Any fiscal year city or town is authorized for each fiscal year in which it exercises such option to issue revenue anticipation notes in an amount not to exceed the amount of the July 15 payment and the maturity date of which shall not exceed 60 days from the receipt of the July 15 payment.

V. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this chapter, or such other sum as the general court may appropriate. The sum appropriated shall not be less than the amount specified in RSA 31-A:4, II. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 New Section; Formula for Distribution. Amend RSA 31-A by inserting after section 6 the following new section:

31-A:7 Formula for Distribution.

I. Except as provided by paragraph II the state treasurer shall distribute state-municipal revenue sharing aid according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenue to local governments, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the department of revenue administration, pursuant to RSA 76:1; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount determined under RSA 31-A:4 to produce the annual share of each city or town.

II. No city or town shall receive under this section an amount less than the sum of:

(a) Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981, excluding revenues derived from RSA 77-A:20.

(b) Its 1982 distribution under the interest and dividends tax.

(c) Its 1982 distribution under the savings bank tax.

(d) 75 percent of its 1976 distribution under RSA 78-A:23.

III. The funds for any such adjustment to paragraph I shall be provided by a pro rata reduction in the amounts distributed to those cities and towns otherwise receiving more than the result of the calculation required by paragraph II.

5 Repeal. The following are repealed:

I. RSA 31-A:2, relative to the calculation and certification of basis for return of revenue to municipalities.

II. RSA 31-A:3, relative to the determination of amounts returnable in 1970.

III. RSA 31-A:6, relative to an alternate procedure for determinations of amounts returnable in 1970.

6 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

As amended, this bill authorizes the state treasurer to make estimated installment payments to cities and towns under RSA 31-A:5 based on prior year distributions, unaudited general fund revenue estimates, population estimates, and other estimated base data, and to adjust subsequent installment payments to conform to actual revenues and base data.

As amended, the bill requires that the sum appropriated for distribution to cities and towns shall not be less than \$52,000,000.

Amendment adopted.

Referred to Appropriations.

HB 627-FN, to provide a loss carry forward under the business profits tax. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The principle of loss carry forward has been studied by the Ways and Means Committee for five years. This year the Subcommittee has made some major changes such as a limit of \$250,000 a year on the loss to be carried forward and the requirement that the net loss carry forward must exceed any profit for the preceding 3 years. Vote 12-4. Rep. Frederick G. Ahrens for the Majority of Ways and Means.

MINORITY: Revenue loss is estimated at \$1.7 million in 1988. This loss doubles every year to \$6.8 million in 1992. It could be anything in 1994, 1995, etc. The fiscal note is silent as to how much this bill could cost the state in the future. Further, these estimates are based on good times. In the event of a recession, businesses have up to 5 years to subtract their losses. This makes it impossible to estimate revenues and could easily result in deficit budgets. All this for a bill where the need was never established. The minority finds this bill is confusing, will result in an excessive and unpredictable loss of state revenue, and does nothing for the business community. Reps. Roland A. Frechette, Howard N. Saunders and Robert W. Jean for the Minority of Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to provide a loss carry forward under the business profits tax and relative to partnership and proprietorship deductions for compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 Net Operating Loss Carryover. Amend RSA 77-A:4 by inserting after paragraph XII the following new paragraph:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX; provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b)(3)(C) of the United States Internal Revenue Code as defined in RSA 77-A:1, XX shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the 5 years following the loss year. The amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX if the business organization were a subchapter C corporation and as limited by this section. A deduction for the amount of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1988.

2 Partnerships and Proprietorships; Deduction for Compensation. Amend RSA 77-A:4, III to read as follows:

III. In the case of a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the proprietor or partners actually devoting time and effort in the operation of the enterprise. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partners. *Such amounts would generally be the amount reported as earned income on federal income tax returns, but would also include compensation for operating rental property, amounts deemed to be reasonable commissions on the sale property, and other amounts due to services rendered.* If there is occasion to determine the reasonableness of a deduction claimed under this paragraph, the commissioner shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume and complexity. In addition, the commissioner shall take into account the value of the proprietorship or partnership of the labor of its employees, the proprietor, or any of the partners, and the use of their property and any other factor which may reasonably assist the commissioner in making a determination. Such determination by the commissioner shall be deemed reasonable unless the taxpayer proves to the commissioner, by a preponderance of the evidence upon the standards set forth in this paragraph and after notice and hearing, that the deduction claimed by the taxpayer is not grossly excessive. Provided, that a taxpayer ascertaining its gross business profits in this state by the allocation procedure established in RSA 77-A:3 is allowed only such percentage of the deductions allowable in paragraphs II, III, and IV as has been applied by it in ascertaining its gross business profits in this state.

Provided further that subject to the preceding sentence, a minimum deduction of \$3,000 shall be allowed on account of the proprietor or each partner actually devoting time and effort in the operation of the enterprise.

3 Effective Date. This act shall take effect upon its passage and shall apply to returns and taxes due on account of taxable periods beginning after December 31, 1987.

AMENDED ANALYSIS

This bill permits business organizations to deduct the amount of the net operating loss carryover allowed under section 172 of the United States Internal Revenue Code from their gross business profits in order to determine taxable business profits. Through the application of section 172, the net loss carry forward must exceed profit for the preceding 3 years. The amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000.

The bill, as amended, does not allow the election permitted under section 172(b)(3)(C) of the United States Internal Revenue Code in calculating the net operating loss carryover.

As amended, the bill specifies that for a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, the deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code if the business organization were a subchapter C corporation, with certain limitations.

As amended, the bill also includes compensation for operating rental property, amounts deemed to be reasonable commissions on the sale property, and other amounts due to services rendered, in the amounts that are fairly attributable to the personal services of the proprietor or partner under RSA 77-A:4, III.

Rep. Saunders moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Ahrens, Ahern, Grip and Ward spoke against the motion.

Rep. Jean spoke in favor of the motion.

A division was requested.

48 members having voted in the affirmative and 265 in the negative the motion lost.

Rep. Hager notified the Clerk that she wished to be recorded against the substitute motion.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

Reps. Palumbo and Matson moved that HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility, and HB 353, relative to condominium conversions and assessing a condominium conversion tax, be made Special Orders for Thursday, January 14 at 2:00 p.m.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that the House stand in recess

until 6:45 p.m. and when the House adjourns today it be to meet Thursday, January 14 at 1:00 p.m.

Adopted.

LATE SESSION
Third reading and final passage

HB 467-FN, establishing a committee to study the allocation of funds and costs in the Tilton and Northfield union school district.

HB 551-FN, establishing a study committee relative to computer-based public records.

HB 401-FN, relative to video tape depositions.

SB 239-FN, relative to electronic privacy.

HB 12, recodifying the workers' compensation law.

HB 461, establishing a committee to study the potential deregulation and vertical disintegration of the electric utility industry.

HB 546-FN, relative to the times for opening and closing the polls in statewide elections.

HB 537-FN, relative to regulation of the practice of nursing.

SB 237, relative to the controlled drug act.

SB 238-FN, relative to bail reform.

HB 252-FN-A, relative to the rate of the business profits tax.

HB 330-FN-A, relative to an exception to the real estate transfer tax.

HB 331-FN-A, relative to filing returns under the interest and dividends tax.

HB 627-FN, to provide a loss carry forward under the business profits tax and relative to partnership and proprietorship deductions for compensation.

HB 324-FN-A, establishing a committee to study development issues and their impact on the state environment and its resources.

The House stood in recess at 4:47 p.m.

RECESS

JOINT CONVENTION
(Speaker presiding)

The Speaker introduced the Governor, who addressed the Joint Convention on the state of the State.

Mr. Speaker, Mr. Senate President, Honorable members of the General Court:

Thank you all for this opportunity to come before you to discuss the state of our State.

Five full years have passed since that day in January 1983 when we started together to address the very significant needs and challenges facing the state of New Hampshire. Now in 1988, as we prepare for this legislative session, we naturally seek to continue what clearly has been a half decade of very successful programs and policies.

The people of New Hampshire owe you, the members of this General Court of the great state of New Hampshire, sincere congratulations for your very constructive and significant contributions to the well-being of our state.

Contrary to the suggestions of those who do not fully grasp how the system is made to function well, this success has not been achieved by accident.

Your efforts, the positive policies, the legislation, and the budgets approved and passed by the House and Senate have made the difference.

The coordinated support provided by your leaders, House Speaker Doug Scamman and Senate President Bill Bartlett, as well as their predecessors, Speaker Tucker and Senate President Roy, have produced programs and policies which have allowed us to meet our needs today; and, by investing in ourselves, to prepare New Hampshire to deal with our needs better and more effectively in the future.

The past five years have been good years for New Hampshire. Our performance statistics continue to be the envy of the nation.

Our policies have produced a great economic climate. For over five years, our unemployment rate has been the lowest in the nation, with levels around 2 percent for the last 27 months.

Our paychecks have grown at a faster rate, and our economic base has created more jobs per capita than in any of our neighbor states.

But the most important aspect of these successful years has been the fact that we have used the benefits which come with good times to deal with some overdue needs.

Surprisingly, in that respect we are unique among our sister states. You should be complimented for that responsible foresight and commitment to take a long-term view.

We have managed the flow of resources which comes with prosperity very well. With the changes instituted in our last three biennial budgets, people can no longer point to New Hampshire as a state lagging in facilities or programs. In fact, today, we have either finished, or are just completing, the finest overall set of facilities in the nation.

We have the newest, most modern state prison system in the country.

We are completing construction of the finest central psychiatric facility in the nation, and through the agreement signed with Dartmouth, we will soon have the very finest psychiatric professional services.

The refurbishing of the Laconia State School is complete.

The facilities at the Youth Development Center are being completely redone, and we now have operational a new fifty-bed facility for young men in Stewartstown, and a newly-constructed facility for twenty young women in Manchester.

We have funded and established within our state two specialized residential facilities to treat our profoundly handicapped children. These programs to establish and expand our capacity for assistance were the beginning of our efforts to provide a complete spectrum of in-state services to impaired New Hampshire youngsters.

We have also established other specialized programs, facilities and services, including a residential treatment program for severe head injuries at Crotched Mountain.

We have restructured and expanded our agencies and services to the elderly.

We have taken the burden from our towns and cities and counties, and assumed full financial responsibility for our troubled youth, and have restructured our agencies to modernize and improve the quality of services to our young citizens.

Our regional and area mental health services are among the finest available anywhere.

Our efforts for assisting the developmentally disabled, especially those which help them enter the workforce, are models for programs in other states.

While using the benefits of good times to invest in resources, or to meet long-standing needs, New Hampshire has also addressed the impacts of growth and change.

We have developed and implemented a ten-year plan for highways, and established a half billion dollar bond program to provide significant additional funds to build our roads.

New Hampshire's precious natural resources have also been protected.

We have funded and are completing a \$5 million study of our groundwater resources.

We have established a \$20 million land trust, enacted legislation to preserve the character of our rivers, and passed acid rain legislation to preserve the quality of our air.

An additional \$24 million has been provided for sewerage treatment facilities, and the state of New Hampshire has committed to make up shortfalls in federal funds. This commitment clearly demonstrates our willingness to help our communities solve their problems.

In addition, our budget provided half a million dollars to fund regional planning, and supported additional personnel and resources for local technical help from within the Office of State Planning.

In accomplishing all of this, you have been responsible. You have exhibited the critical discipline necessary to maintain the fiscal integrity of the state, and some of the structural changes we have made will preserve that fiscal integrity for generations to come.

Our more conservative accounting practices and the revenue stabilization fund recognize that good times are almost invariably followed by slowdowns. Without these provisions a soft economy would require a cutback of services just when we needed them most. Now we have the capacity to maintain the breadth and quality of our programs even when the economic climate changes.

The remarkable part of all of this is that you accomplished it while still implementing major tax reductions during the last four years.

All these accomplishments, in part, define the state of the State. And they permit us, in a measured way, to determine what we ought to do in the months before us.

And, I suggest, as we review and propose specific programs, that we be appropriately mindful of where we have been, where we are, and where we are going.

First, education must continue to be one of our highest priorities.

In the past five years, we have increased foundation aid from around \$3 million to a current level of over \$30 million.

We have distributed \$5 million for computers and technology in the classroom and currently are establishing a state-funded program for honing the administrative skills of our education managers and administrators.

One of our remaining educational challenges is the reality that over 20 percent of our students drop out before completing their high school education.

My office, the Department of Education and the State Board of Education have worked with your Committees to propose a change in our policies, regulations and laws to improve our graduation rate.

Our concern is not merely to alter statistics or cold, hard numbers. Our goal is to make sure that all our children have the tools they need for the future.

This important legislation, which will promote literacy and prevent dropouts, is based on the belief that there is a mutual responsibility between our educational system and the citizens it serves. We know we must provide not only classroom programs, but also the support services that will help our young people learn and cope with pressures and conflicting agendas while they are in their school years. We owe all our students that educational support.

These proposals also recognize that our students must be receptive to the opportunities offered. In turn, they must accept responsibility and demonstrate that they have, in fact, achieved minimal levels in the basic areas of reading, writing and math to compete effectively in the modern world.

Also for our young people, the state has accepted a broader and more significant responsibility for supporting the programs and services required to deal with the problems of troubled youth.

Important changes in this area have been produced by the past two Legislatures -- the settlement bill restructuring the system for dealing

with juveniles in our state and legislation for fine tuning that system. Although this strong action has established a better and more controlled structure, the cost of these programs which we have assumed from the communities has continued to grow.

We are now obligated to spend over \$30 million per year. In order to meet these requirements, we will be seeking an additional \$4.5 million of authorization for the biennium.

As we have noted, these have been good years for our state and good economic times for our citizens. The benefits to all of us are well documented, and I am especially proud that this basic strength has enhanced the quality of life for our citizens and kept us the envy of the nation.

New Hampshire now ranks eighth in per capita income, and our levels of family income have also been significantly increased.

It should be noted that over these past five years we have probably constructed more homes per capita than any other state in the nation.

One aspect of our increasingly strong economy is the growth in the value of property and in the values of our homes. As these values have soared, real family assets and the buying power of our New Hampshire citizens have grown more than anywhere else in the nation.

With these very significant positive benefits for most of our citizens, there obviously has been some increase in the cost for those not yet owning homes.

To address these changes, you deserve credit for some very effective legislation in past sessions to reduce the cost of housing within our state. To promote construction of homes for our citizens with lower incomes, you passed legislation facilitating the use of manufactured construction and authorizing the cost-free transfer of state-owned land for housing programs.

Significant assistance has also been provided to our home buyers from the New Hampshire Housing Finance Authority. With the support of legislation passed by this body, it has put together imaginative and innovative programs to provide low-cost mortgages and financial support to home buyers.

The authority is now working to make effective use of the Land Transfer Program to permit the construction of low-cost homes. In fact, to make this even more effective, we are considering fine tuning this significant initiative to allow land transfers for home ownership programs.

Unfortunately, the effectiveness of these programs for long-term housing has been ignored in much of the rhetoric which is now so popular.

Despite these great achievements, some aspects of the growth and prosperity of this state are being cast in negative terms. There has been much discussion in recent months about housing in the state of New Hampshire. The catch-all phrase for this issue has become "Affordable Housing."

"Affordable Housing" means different things to different people. Our experience should warn us that when meanings blur, when objectives are unfocused, then effective, appropriate action becomes difficult.

Many of the legitimate concerns for housing are being distorted to provide an emotional climate in which some are seeking to lock our citizens into underfunded, low-cost rental housing projects.

The legislation that has been the focus of this discussion will not significantly increase construction of housing or lower long-term costs. Rather, it will, through expansion of dependency on rental subsidies, keep our people in housing that can never be theirs.

Lest we proceed with an incorrect perception of the real situation in New Hampshire, let me address just a couple of significant aspects of the issue.

There has not been an explosion of rental costs in the state of New Hampshire. The extensive rental surveys of the New Hampshire Housing

Finance Authority show that on average, rents in New Hampshire in 1986 increased by 1.7 percent and in 1987 by about 6 percent for an annual average over the past two years of less than 4 percent.

The New Hampshire Housing Finance Authority, based on HUD surveys, also shows that the growth in family income over the past two years has been over 14 percent. Thus, during this period, rental changes have been significantly less than the total growth in personal and family income.

Contrary to the rhetoric of the day, the good news is the same at the lower end of the income scale, where rents over this period grew by about the same as the average, and the growth in family income was significantly higher than the overall average.

This all means that contrary to some of the perceptions created in recent weeks, the capacity for housing has improved over the last two years.

In fact, today the real challenge concerning the issue of housing is one of access to loans and financing, not merely use of the ever-popular term "Affordability."

The needs of our citizens for housing can be met, and will be met, but we can be far more effective in meeting those needs if we recognize that one of the benefits of living in New Hampshire is that the value of the homes of our families increases. We can extend this advantage to more of our citizens by using our resources to help more families get a share of home ownership.

For the indigent homeless as well, the housing issue is also not accurately framed in terms of affordability, but in fact in terms of a more acute, basic need of publicly-supported shelter.

To address these two aspects of housing and critical shelter, I will submit two legislative recommendations that I have discussed with your leadership.

To address the need of the homeless, I have submitted a package of \$3 million to support construction and operation of shelters by non-profit community groups. These recommendations follow from the preliminary findings provided by our task force on the homeless that was put together last year.

The second initiative follows from a review of the situation with experts in the field who have underscored the fact that the greatest impediment to home purchase for the majority of our citizens now in rental units is the problem of a down payment. Once that hurdle is overcome, regular payments can be made from their present income, or from support programs now in place, to provide them the economic advantage of home ownership.

To solve this problem, we propose the establishment of a pilot program of interest free loans and loan guarantees to deal with the hurdle of the down payment so more can share the opportunity for equity in housing. State funds for the down payment program can be supplemented and leveraged by funds currently available from the existing resources of the New Hampshire Housing Finance Authority.

In fact, there are a number of benefits to this approach. This program will stimulate construction of residences that could be bought by virtually all our citizens. Also, with home ownership comes responsibility and a built-in incentive to protect the quality of the housing, and thus that housing becomes a tangible, acceptable asset for our communities.

Furthermore, as more of our citizens are able to move from rentals to ownership, the pressure of demand on the cost within the rental market will also be effectively reduced.

There are other issues that I will be asking you to support including some changes in current revenue allocations to make additional funds available to our highway programs and recommendations for bridge rehabilitation, prison expansion and other capital projects.

We can and should continue to make this great state even better.

As we address all these issues, we should be mindful of the status of our state finances. Our task has been to create a balanced budget without deficits or unseemly surpluses. The budget as passed last session with its projected \$2 to \$3 million surplus was a finely-balanced package. Over the two years of that budget, our cushion is a narrow margin of two-tenths of one percent. Thus, we know that minor dips in economic conditions can have great impacts on the downside.

However, we have provided both the flexibility and control to assure that the \$2-\$3 million surplus will be achieved. To maintain that margin, we must continue to be vigilant and prudent not only in the operation of our government, but during this legislative session. I ask that you keep this in mind as we work together in the coming weeks.

Finally, let us note that after all the rhetoric and all the headlines have faded, the test of our performance in government, like the test of truth, will come with time.

The state of our State tomorrow, and next year, and in the next generation will be the real measure of what we've done.

As we face this new session and the considerable challenges of 1988, let us also remember that the real bottom line of government is how well it serves all its people. If we keep faith with that ideal, we will do what we must as we move toward the last decade of this century.

Again, may I emphasize as I close this state of the State message that you, the members of the New Hampshire House and Senate, are to be congratulated on the quality of life we have.

Together we must continue to move forward so that New Hampshire will always remain a great state in which to live, to raise a family, to work and do business.

God bless you all in your endeavors. Thank you very much.

The Speaker introduced the Governor's wife, Nancy Sununu.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE (Speaker in the Chair)

Rep. Chambers moved that the House adjourn to meet Thursday, January 14 at 1:00 p.m.

Adopted.

The House adjourned at 7:30 p.m.

HOUSE JOURNAL 4

Thursday, 14 Jan 88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Holy God, as we go about our tasks, make us mindful of those whom we sometimes take for granted. We give You thanks for the labors of those who quietly support us in our work -- for clerks and scribes and typists; for researchers, writers and secretaries; for security and services; for those who prepare for us, and who clean up after us.

Instill in us the constant awareness that You have made us all, and that we need each other -- from Governor and Legislators to custodians and cleaners.

Give us, O God, a sense of pride in whatever we do, and grant us the awareness to notice what others do on our behalf. Amen.

Rep. Benton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Lemire, Watson, Cox, Mace, Gosselin, Joseph Eaton, Eleanor Anderson and George Gordon, the day, illness.

Reps. Davis, Marilyn Campbell, Coulombe, Gerald Smith, Lionel Boucher, Crystal, Laurion, Durant, Behrens, Gross, Scanlan, Genest, William Dion, Daschbach, Wright, Dingle, Lussier, Beaupre, Gene Chandler, Gourdeau, Shriver, Wadsworth, Merton Mann, Daniel Eaton, Frew, Rodgers and Maviglio, the day, important business.

Rep. Bowers, the day, death in the family.

Reps. Joseph MacDonald, Wells, Nelson, Corrigan and Millard, the day, illness in the family.

INTRODUCTION OF GUESTS

Helen Schotanus, wife of Rep. Schotanus; Steve Bransfield, Bill Mercer and Alan Macdonald, from General Electric in Hooksett, who are here to make a presentation to the Capital Region Food Program, guests of Reps. Palumbo and Manus; Madeline Townsend and Marilyn Bossard, wife and daughter of Rep. Howard Townsend; students from Kimball School in Concord, guests of the House; Ellen Sawyer Hedman, guest of Rep. Sawyer.

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 1:15 p.m. for the purpose of hearing an address by the United States Secretary of Education, William J. Bennett.

Adopted.

COMMUNICATION

Dear Mr. Peterson:

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council on January 13:

Grafton County District No. 12 (Hanover)
Robert H. Guest, d, Hanover (8 Barrett Road) 03755

Hillsborough County District No. 30 (Nashua-Ward 4)
Steve Kuchinski, d, Nashua (124 Walnut Street) 03060

Hillsborough County District No. 28 (Nashua-Ward 7)
Adam C. Gureckis, Sr., d, Nashua (54 Harbor Avenue) 03060

Merrimack County District No. 21 (Concord-Wards A-H)
Miriam D. Dunn, d, Concord (77 Pleasant Street) 03301

Sincerely,
Karen H. Ladd
Administrative Assistant

(Speaker in the Chair)

RESIGNATION

Dear Mr. Speaker:

This is probably one of the most difficult tasks I have ever been asked to perform.

My association with the House of Representatives, and most particularly as a member of the Appropriations Committee, has been a heartwarming experience. Working with members of the House, both legislatively and socially, will always be remembered fondly.

I therefore regretfully submit my resignation as a representative from Cheshire, District 10, effective January 29, 1988.

Sincerely,
Rep. Margaret A. Ramsay

SENATE MESSAGES
NONCONCURRENCE

HB 436, relative to insurance coverage for home health care.

HB 697-FN, relative to the definition of "wages" for workers' compensation purposes.

HB 708, relative to excess electric generating capacity.

HB 561-FN, relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters.

HB 687-FN, relative to eligibility for disability payments to injured workers.

CONCURRENCE

HB 418, relative to mutual holding companies.

REFERRED FOR INTERIM STUDY

HB 293-FN, relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

CONCURRENCE WITH AMENDMENT

SB 147, relative to surety bonds.

RECESS

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing an address by the United States Secretary of Education, William J. Bennett.

JOINT CONVENTION
(Speaker presiding)

The Speaker introduced United States Secretary of Education, William J. Bennett, who addressed the Joint Convention briefly.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE
(Speaker in the Chair)

Rep. Burns moved that the Consent Calendar as printed in the day's House Record be adopted.

Adopted.

COMMITTEE REPORT
(Consent Calendar)

HB 920, relative to the boilers and pressure vessels law.
Inexpedient to Legislate.

The provisions of this bill will be incorporated into HB 954, on the same subject, with the concurrence of the sponsor. Vote 14-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

The Speaker called for the Special Orders.

HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility. Ought to Pass with Amendment.

House Bill 82 is needed as a means of educating utility ratepayers about the costs included in their rates. The bill requires that if costs of an electrical generating facility are 50% or more of a utility's rate base the rate increases associated with the facility shall be identified separately on customers' bills. The Committee felt it would be important for consumers to know how much they are being charged specifically for projects which have such a large impact on rates. Vote 9-0. Rep. Susan Schwartz for Science, Technology and Energy.

Amendment

Amend the bill by replacing the title with the following:

AN ACT

relative to rate increases resulting from construction
of large-scale electric generating facilities.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Rate Increases Resulting from Certain Electrical Energy Generating Facilities. Amend RSA 378:7 to read as follows:
378:7 Fixing of Rates by Commission.

I. Whenever the commission shall be of opinion, after a hearing had upon its own motion or upon complaint, that the rates, fares or charges demanded or collected, or proposed to be demanded or collected, by any public utility for service rendered or to be rendered are unjust or unreasonable, or that the regulations or practices of such public utility affecting such rates are unjust or unreasonable, or in any wise in violation of any provision of law, or that the maximum rates, fares or charges chargeable by any such public utility are insufficient, the commission shall determine the just and reasonable or lawful rates, fares and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed, and shall fix the same by order to be served upon all public utilities by which such rates, fares and charges are thereafter to be observed. The commission shall be under no obligation to investigate any rate matter which it has investigated within a period of 2 years, but may do so within said period at its discretion.

II. *In determining just, reasonable or lawful rates, fares, and charges of a public utility, the public utilities commission shall identify the total dollar amount of a requested rate adjustment attributable to an electrical energy generating facility whose costs of construction equal or exceed 50% of the utility's rate base as approved in the utility's most recent rate case. This amount shall be identified separately from any other amounts referred to by the commission in its rate determination decision.*

III. *The charges indentified in paragraph II shall be separately stated on the customer's billing statement.*

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

AMENDED ANALYSIS

The bill, as amended, directs the public utilities commission, when considering rate adjustment requests, to identify public utility costs attributable to an electrical energy generating facility whose costs equal or exceed 50% of the utility's rate base as approved in the utility's most recent rate case. The utility is to identify such charges as a separate item on individual customer's billing statements.

Rep. Hatch moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

(Deputy Speaker Burns in the Chair)

Rep. Douglas Hall spoke against the motion and yielded to questions.

(Speaker in the Chair)

A roll call was requested. Sufficiently seconded.

Rep. Sytek abstained from voting under Rule 16.

YEAS 137 NAYS 182
YEAS 137

BELKNAP: Richard Campbell, Dexter, Hardy, Hawkins, Holbrook, Jensen, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Hounsell, Powers and Saunders.

CHESHIRE: Delano, Grodin, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Horton, Kilbride, Purrington and Theriault.

GRAFTON: Bean, Bennett, Blair, Christy, Driscoll, Hammond, Rounds, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, A. Leslie Burns, Cowenhoven, Daigle, Gerard Desrochers, Drolet, Clyde Eaton, Fields, Granger, Grip, Hatch, Holden, Humphrey, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Levesque, Magee, Mason, Bonnie McCann, McRae, Moore, Pappas, Pariseau, Perham, Prestipino, Sallada, Stiles, Stonner, Tarpley, Vanderlosk, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Laurent Boucher, Gilbreth, Hayes, Hess, Kidder, Manus, Pantzer, Phelps and Whittemore.

ROCKINGHAM: Lawrence A. Chase, Jr., Ellyson, Felch, Flanagan, Harry Flanders, Bert Ford, Haynes, Roger King, Maurice MacDonald, Malcolm, William F. McCain, Newell, Palumbo, Ritzo, Schmidtchen, Scott, Sochalski, Tufts, Vartanian, Warburton and Welch.

STRAFFORD: Appleby, Bates, Casey, Patricia Foss, Jean, Robert Jones, Kinney, Koromilas, Martling, Parks, Pelley, Proulx, Swope, Ann Torr, Wilson and John Young.

SULLIVAN: Brodeur, Domini, Ingram, Krueger, Lindblade, McKee, Peyron, Rodeschin and Schotanus.

NAYS 182

BELKNAP: Golden, Malcolm Harrington, Pearson, Randall and Lawrence Richardson.

CARROLL: Russell Chase, Kenneth MacDonald, McIntire, Olimpio and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Doucette, Foster, Frink, Irvin Gordon, Hunt, LaMar, Matson, Miller, William Riley and Schwartz.

COOS: Harold Burns, Guay, Mayhew and Oleson.

GRAFTON: Adams, Arnesen, Chambers, Copenhaver, Densmore, Guest, Wayne King, LaMott and Stewart.

HILLSBOROUGH: Ahrens, Baker, Baldizar, Bass, Bourque, Boutwell, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cusson, William Desrosiers, Domaingue, Donovan, Dube, Dykstra, Nancy Ford, Frank, Ruth Gage, Gagnon, Scott Green, Guilbert, Marian Harrington, Healy, Chris Jacobson, Donna Kelly, Korcoulis, Lanzara, Leclerc, Lefebvre, Long, Lown, Lozeau, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Schneiderat, Leonard Smith, Soucy, Steiner, Sullivan, Turgeon and Wagner.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, James Chandler, Dunn, Fillion, Fraser, Hager, Douglas Hall, Mary Holmes, Alf Jacobson, C.

William Johnson, Burton Knight, Lewis, Lockwood, Nichols, Provencal, Rehlander, Doris Riley, Walter Robinson, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchard, William Boucher, Buco, Butler, Carpenito, Conroy, Cressy, Cushing, Fesh, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, Magoon, McGovern, McKinney, Merchant, Pantelakos, Parr, Pevear, Popov, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Simon, Skinner, Splaine, Tilton, Vaughn, Walker and Weddle.

STRAFFORD: Bernard, Callaghan, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, William McCann, McManus, Musler, Francis Robinson, Spear, Ralph Torr and Wall.

SULLIVAN: Cutting, D'Amante, Flint, Normandin, Spaulding and Sara Townsend, and the motion lost.

Rep. Kurk moved that HB 82 be recommitted to the Committee on Science, Technology and Energy, spoke to his motion and yielded to questions.

Reps. Randall and Palumbo spoke against the motion.

Rep. Frederic Foss yielded to questions.

On a voice vote the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 353-FN-A, relative to condominium conversions and assessing a condominium conversion tax. Ought to Pass with Amendment.

This bill acts as a vehicle to allow the municipal authorities to enact a local ordinance regulating condominium conversions. The municipality may establish a 3-year moratorium on conversions, if it has a rental vacancy rate of less than 4 percent. Vote 13-0. Rep. Rowland Schmidtchen for State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to condominium conversions.

Amend the bill by replacing all after section 2 with the following:

3 New Sections. Amend RSA 356-C by inserting after section 11 the following new sections:

356-C:12 Local Option.

I. Notwithstanding the provisions of RSA 356-B:5 and except for those conversions which are exempt under RSA 356-C:2, whenever the legislative body of any city or the board of selectmen of any town shall find that there exists within the municipality a serious shortage of rental housing that is affordable to persons of low and moderate income, the municipality is hereby authorized to enact a local ordinance in accordance with paragraph III of this section.

II. One percent of the registered voters of any municipality may petition the governing body of a municipality to hold a public hearing to determine whether a moratorium under paragraph III should be imposed.

III. Any municipality which elects to regulate condominium conversions under this section may enact an ordinance placing a moratorium on conversions for up to 3 years if the municipality finds that the rental vacancy rate in said municipality is less than 4 percent. If the moratorium is to be extended, a new rental vacancy rate must be established by the municipality, and if the rate remains below 4 percent, a new moratorium on conversions may be enacted by the legislative body of the municipality.

356-C:13 Enactment. Any ordinance enacted pursuant to RSA 356-C:12 shall be enacted in accordance with all state and local requirements for the enactment of local ordinances pursuant to RSA 31:39.

356-C:14 Notice to the Attorney General. A true and attested copy of any local ordinance enacted pursuant to RSA 356-C:12 shall be mailed by the city or town clerk to the office of attorney general, consumer protection and antitrust bureau by registered mail, return receipt requested.

356-C:15 Private Enforcement. Any private party aggrieved by a violation of an ordinance enacted pursuant to RSA 356-C:12 may seek injunctive relief in a court of competent jurisdiction as well as damages, costs, and attorneys' fees as set forth in RSA 356-C:9.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the legislative bodies of cities or the board of selectmen of towns, if they find a serious shortage of rental housing for low income persons in a municipality, to enact a local ordinance regulating condominium conversions. If a municipality has a rental vacancy rate of less than 4 percent, the municipality may establish a 3-year moratorium on conversions. After 3 years, the moratorium may be enacted again if the vacancy rate remains below 4 percent.

Rep. Vartanian moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Schmidtchen spoke against the motion.

Rep. Reardon spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 104 NAYS 220

YEAS 104

BELKNAP: Dexter, Golden, Malcolm Harrington, Jensen, Randall, Thurston, Turner and Vogler.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire and Saunders.

CHESHIRE: Delano, Grodin, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Guay and Horton.

GRAFTON: Bean, Christy, Driscoll, Hammond, Howard Townsend, Walter, Ward and Weymouth.

HILLSBOROUGH: Alukonis, Bass, Boutwell, Cowenhoven, Gerard Desrochers, Paul Dionne, Drolet, Clyde Eaton, Granger, Grip, Hatch, Holden, Michael Jones, Robert Kelley, Alice Knight, Kurk, Lefebvre, Levesque, Magee, Bonnie McCann, Moore, Packard, Sallada, Leonard Smith, Steiner, Stonner, Wagner, Ware, Kenneth Wheeler and Wood.

MERRIMACK: Laurent Boucher, Gilbreth, Mary Holmes, Kidder, Lockwood, Phelps and Stio.

ROCKINGHAM: Barnes, Ellyson, Felch, Fesh, Flanagan, Bert Ford, Beverly Gage, Thomas Gage, Haynes, George Katsakiores, Phyllis Katsakiores, Malcolm, McKinney, Newell, Scott, Sherburne, Simon, Skinner, Sytek, Tilton, Tufts, Vartanian and Welch.

STRAFFORD: Appleby, Chamberlin, Jean, Francis Robinson, Swope, Ann Torr, Ralph Torr and Wilson.

SULLIVAN: Cutting, Domini, Krueger and Rodeschin.

NAYS 220

BELKNAP: Bowler, Richard Campbell, Hardy, Hawkins, Holbrook, Pearson, Lawrence Richardson and Wixson.

CARROLL: Kenneth MacDonald, Olimpio, Powers and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Doucette, Foster, Frink, Irvin Gordon, Hunt, LaMar, Matson, Miller, Parker, Perry, Ramsay, William Riley and Schwartz.

COOS: Harold Burns, Kilbride, Marsh, Mayhew, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bennett, Blair, Chambers, Copenhagen, Densmore, Guest, Wayne King, LaMott, Rounds, Stewart and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baker, Baldizar, Bourque, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cusson, Daigle, William Desrosiers, Domaingue, Donovan, Dube, Dykstra, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Scott Green, Guilbert, Marian Harrington, Healy, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Korcoulis, Lanzara, Leclerc, Long, Lown, Lozeau, Mason, McRae, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Schneiderat, Soucy, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk and Emma Wheeler.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, James Chandler, Dunn, Fillion, Fraser, Hager, Douglas Hall, Hayes, Hess, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Manus, Nichols, Pantzer, Provencal, Rehlander, Doris Riley, Walter Robinson, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Benton, Blanchard, Blanchette, William Boucher, Buco, Butler, Carpenito, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Harry Flanders, John Flanders, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, Roger King, Lovejoy, Maurice MacDonald, Magoon, William F. McCain, McGovern, Merchant, Palumbo, Pantelakos, Parr, Pevear, Popov, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sochalski, Splaine, Vaughn, Walker, Warburton and Weddle.

STRAFFORD: Bates, Bernard, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Martling, William McCann, McManus, Musler, Parks, Pelley, Proulx, Spear, Wall and John Young.

SULLIVAN: Brodeur, D'Amante, Flint, Ingram, Lindblade, Normandin, Peyron, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 240-FN, relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor. (amendment printed SJ 1/6)

Rep. Dickinson moved that the House concur.
Adopted.

HB 403-FN, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations. (amendment printed SJ 1/6)

Rep. Alf Jacobson moved that the House concur.
Adopted.

HB 480, recodifying the county corrections laws. (amendment printed SJ 1/6)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Barnes, Roger King, Thomas Gage and Dykstra.

HB 571-FN, relative to the certification and financial management of life care facilities. (amendment printed SJ 1/6)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Sara Townsend, Parks and Copenhaver.

PERSONAL PRIVILEGE

Reps. Alf Jacobson, Sochalski, Sallada and Copenhaver addressed the House under Personal Privilege.

Rep. Scamman, for the entire membership offered the following:

HOUSE RESOLUTION NO. 61

memorializing former State Legislator
Charles C. Eaton of Stoddard.

WHEREAS, we have learned with great sorrow of the death of Charles C. Eaton, who during the biennium of 1957-58 served one term in the New Hampshire House of Representatives and between 1959 and 1962 two terms in the New Hampshire Senate, and

WHEREAS, outside of the General Court, Charles C. Eaton was energetically involved in the political process, serving from 1957 to

1987 as a delegate to the Republican State Convention, and as a delegate to the Constitutional Conventions of 1974 and 1984, and

WHEREAS, having great civic pride and spirit, Charles C. Eaton was an energetic leader in the community of Stoddard, serving at various times as Selectman, Auditor, Trustee of Trust Funds, Civil Defense Director, Fire Warden, and as a member of the Conservation Commission, Zoning Board and Historical Society, and

WHEREAS, Charles C. Eaton additionally served the residents of Stoddard for twenty-five years as Police Chief, sitting, too, as a dedicated member of numerous law enforcement associations, and

WHEREAS, having been a native of Yonkers, New York, Charles C. Eaton, in 1934 graduated from Saunders Trade and Technical Institute, later serving from 1939 to 1945 in the United States Army Air Corps, followed in 1949 by his graduation from Keene Teachers College, and

WHEREAS, Charles C. Eaton had a reputation for being a sincere and genuine man, always the true gentleman, a man who easily gathered respect and esteem, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Charles C. Eaton be saluted and paid high tribute for his service as a member of the New Hampshire General Court, and for his concern for the welfare of the community of Stoddard, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 62

memorializing former State Representative
Francis C. Seely of Bridgewater.

WHEREAS, we have learned with great sorrow of the death of former State Representative Francis C. Seely, who between 1979 and 1982, served two consecutive terms in the New Hampshire House of Representatives, and

WHEREAS, during his tenure as an elected Representative of the people, Francis C. Seely sat as an esteemed member of the Standing Committee on Ways and Means, and

WHEREAS, Francis C. Seely was a Past President of the Laconia Chapter of the American Association of Retired Persons, also having served in the AARP as State Director and as National Treasurer, and

WHEREAS, for several years, Francis C. Seely, owing to his strong sense of community spirit and pride, served as a dependable member of the Bridgewater Planning Board, and

WHEREAS, Francis C. Seely was blessed with a wonderful sense of humor and wit, and had a wonderful way with words and rhymes, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Francis C. Seely be accorded the highest accolades for his outstanding legislative service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family

Unanimously adopted by a rising vote of silent prayer.

Rep. Ward presented the Ways and Means Report and yielded to questions.

HOUSE WAYS AND MEANS COMMITTEE

The following charts give you summary figures for the biennium ending June 30, 1987. The second chart shows our financial plan which is in the law today, January 14, 1988.

COMPARISON OF LEGISLATIVE FORECAST FOR FISCAL YEAR 1987 WITH
ACTUAL RESULTS OF THE MOST RECENTLY CLOSED AND AUDITED FISCAL YEAR 1987

	1987 Legislative Estimate	1987 Audited Actual	Differen (Less Th
Surplus July 1, 1986, Actual From Audited 1986 Annual Report	32,410	32,410	0
Unrestricted Revenues	524,320	538,283	13,963
Total Resources Available	556,730	570,693	13,963
Less Net Expenditures	497,175	513,597	16,422
Resources Balance At End Fiscal Year 1987 Before Adjustments Required By Law	59,555	57,096	(2,459)
Less Transfer To Revenue Stabilization Reserve Account (Rainy Day Fund)	26,216	26,914	(698)
Less Provisions of Chapter 339:10, II Laws Of 1987	0	6,982	(6,982)
SURPLUS JUNE 30, 1987	33,339	23,200	(10,139)

CURRENT FINANCIAL PLAN FOR BIENNIUM ENDING JUNE 30, 1989
FOR THE GENERAL FUND AFTER MAKING ALL ADJUSTMENTS FOR THE
FISCAL YEAR ENDING JUNE 30, 1987

UNAPPROPRIATED SURPLUS
FOR FISCAL YEARS ENDING JUNE 30,

	Fiscal Year 1988	Fiscal Year 1989	Biennium 6/30/89
Surplus Beginning of Period Actual Amount for 1988	23,200	13,199	23,200
Estimated Revenues	540,820	556,020	1,096,840
Total Resources Available	564,020	569,219	1,120,040
Less Net Appropriations	550,821	574,918	1,125,739
Balance At End Of Period	13,199	(5,699)	(5,699)

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 21 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 82, relative to rate increases resulting from construction of large-scale electric generating facilities.

HB 353-FN-A, relative to condominium conversions.

Rep. Palumbo moved that the House adjourn.

Adopted.

The House adjourned at 3:40 p.m.

HOUSE JOURNAL 5

Thursday, 21 Jan 88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Lord God, from whom comes every vision and dream, we give You thanks for those who believe boldly and who hope powerfully. In the afterglow of a national holiday, help us honor the spirit and vision of Martin Luther King, Jr.

O God, we recall his words, that "shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will," and that "lukewarm acceptance is much more bewildering than outright rejection."

Grant the presence of Your spirit in our midst, and grant the power of Your love as we debate and decide, that we may truly be people of understanding. Amen.

Rep. Yeaton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Joseph Eaton, Ann Derosier, Gosselin, Cote, Wagner, Lussier, McManus, Splaine, Merchant, Pevear, George Gordon, Pierce, Maurice MacDonald and Dwyer, the day, illness.

Reps. William Dion, Genest, Coulombe, Frechette, Gordon Arnold, Walter, Bass, Nancy Ford, Vartanian, Hardy, Burton Knight, Nagel, Blanchette and Dearborn, the day, important business.

Reps. Joseph MacDonald, Frink, Nelson, Hynes and Corrigan, the day, illness in the family.

INTRODUCTION OF GUESTS

Kathryn Chase, wife of Rep. Russell Chase; Marie and Charles Dexter, wife and son of Rep. Dexter; Ron Lanzara, Jr., son of Rep. Lanzara.

The Rules Committee having approved their admittance after the deadline, Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1203 through 1205, and House Joint Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS
First, second reading and referral

HB 1203-FN-A, relative to the payment of a claim against the state and making an appropriation therefor. (Rep. Kidder of Merrimack Dist. 2 - To Appropriations)

HB 1204-FN-A, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor. (Rep. Palumbo of Rockingham Dist. 10; Rep. Vartanian of Rockingham Dist. 20; Rep. Bates of Strafford Dist. 1; Rep. Manus of Merrimack Dist. 17; Rep. Tarpley of Hillsborough Dist. 9; Sen. Dupont of Dist. 6; Sen. Podles of Dist. 16; Sen. McLane of Dist. 15; Sen. Freese of Dist. 4; Sen. Delahunty of Dist. 22 - To Health and Human Services)

HB 1205-FN-A, establishing a low income housing construction program to be administered by the New Hampshire housing finance authority and making an appropriation therefor. (Rep. Palumbo of Rockingham Dist. 10; Rep. Vartanian of Rockingham Dist. 20; Rep. Bates of Strafford Dist. 1; Rep. Burns of Coos Dist. 5; Rep. Gage of Rockingham Dist. 20; Sen. Dupont Dist. 6; Sen. Podles of Dist. 16; Sen. McLane of Dist. 15; Sen. Freese of Dist. 4; Sen. Delahunty of Dist. 22 - To State Institutions and Housing)

HJR 5-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of New Hampshire as the ninth and deciding state to ratify the United States Constitution. (Rep. Chase of Carroll Dist. 6 - To Constitutional and Statutory Revision)

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(5) Policy committees report all money bills, House Rule 67(b)(7) House action on all bills, and Joint Rule 10(a) final action on all bills and joint resolutions be taken no later than the third Thursday in February (February 18), be suspended on the following bills:

HB 1203-FN-A, relative to the payment of a claim against the state and making an appropriation therefor.

HB 1204-FN-A, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor.

HB 1205-FN-A, establishing a low income housing construction program to be administered by the New Hampshire housing finance authority and making an appropriation therefor.

HJR 5-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of New Hampshire as the ninth and deciding state to ratify the United States Constitution.

Adopted by the necessary two-thirds.

SENATE MESSAGE
ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 480, recodifying the county corrections laws.
The President appointed Sens. White, Heath and Nelson.

HB 571-FN, relative to the certification and financial management of life care facilities and making an appropriation therefor.
The President appointed Sens. Delahunty, Freese and Blaisdell.

INTRODUCTION OF GUESTS

The Speaker introduced the President of the Senate and Sens. Pressly, Johnson, Chandler, Delahunty, Heath, White, Torr, Disnard, Freese, Champagne, Krasker, Bond and McLane, and United States Senator Gordon Humphrey.

The Speaker introduced Congressman Jack Kemp who addressed the House briefly.

SENATE MESSAGE
REQUESTS CONCURRENCE

SB 290, relative to expenditures of funds from the highway surplus account.

SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor.

SB 298-A, relative to student housing at the New Hampshire technical institute and making an appropriation therefor.

SB 325-FN, relative to providing support to families coping with a severely disabled child or young adult family member, using funds already appropriated.

SB 353-FN, relative to motor vehicle plates for organizational vehicles.

SB 243-FN, reinstating the passenger tramway safety board.

SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood.

SB 246, relative to the sale of liquor in convention centers and first class ballrooms.

SB 257, extending the reporting date of the biomass study committee.

SB 267-FN, relative to child passenger restraints in motor vehicles.

SB 268-FN, relative to litigation of small claims.

SB 277, prohibiting the hunting of mourning doves in New Hampshire.

SB 299-FN, relative to deeds.

SB 253, relative to the length of vehicles.

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown.

SB 261, relative to setting seasons and bag limits on small game birds and animals.

SB 273, relative to capital murder.

SB 288-FN, relative to placing articles on the official ballot.

SB 300, establishing a committee to study all aspects of laws, rules and practices relative to materials used in the construction of highways.

SB 329-FN, establishing a study committee to study Monte Carlo nights, Las Vegas nights, bingo games, and lucky 7.

CACR 29, relative to meetings of the General Court. Providing that the General Court shall meet biennially.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 290, 296, 298, 325, 353, 243, 245, 246, 257, 267, 268, 277, 299, 253, 258, 261, 273, 288, 300, 329, and Concurrent Resolution Proposing Constitutional Amendment numbered 29, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS AND CACR
First, second reading and referral

SB 290, relative to expenditures of funds from the highway surplus account. (Public Works)

SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor. (Public Works)

SB 298-A, relative to student housing at the New Hampshire technical institute and making an appropriation therefor. (Public Works)

SB 325-FN, relative to providing support to families coping with a severely disabled child or young adult family member, using funds already appropriated. (Children, Youth and Elderly Affairs)

SB 353-FN, relative to motor vehicle plates for organizational vehicles. (Transportation)

SB 243-FN, reinstating the passenger tramway safety board. (Executive Departments and Administration)

SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood. (Transportation)

SB 246, relative to the sale of liquor in convention centers and first class ballrooms. (Regulated Revenues)

SB 257, extending the reporting date of the biomass study committee. (Environment and Agriculture)

SB 267-FN, relative to child passenger restraints in motor vehicles. (Health and Human Services)

SB 268-FN, relative to litigation of small claims. (Judiciary)

SB 277, prohibiting the hunting of mourning doves in New Hampshire. (Fish and Game)

SB 299-FN, relative to deeds. (Judiciary)

SB 253, relative to the length of vehicles. (Transportation)

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown. (Transportation)

SB 261, relative to setting seasons and bag limits on small game birds and animals. (Fish and Game)

SB 273, relative to capital murder. (Judiciary)

SB 288-FN, relative to placing articles on the official ballot. (Constitutional and Statutory Revision)

SB 300, establishing a committee to study all aspects of laws, rules and practices relative to materials used in the construction of highways. (Public Works)

SB 329-FN, establishing a study committee to study Monte Carlo nights, Las Vegas nights, bingo games, and lucky 7. (Regulated Revenues)

CACR 29, relative to meetings of the General Court. Providing that the General Court shall meet biennially. (Constitutional and Statutory Revision)

Rep. Harold Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 992, relative to local water resources and protection plans, was removed at the request of Rep. Schwartz.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 828-FN, relative to school administrative units. Inexpedient to Legislate.

The bill, as written, requires that a majority of school districts in any multi-district SAU approve (by majority vote within each district) additions, deletions or dissolutions. It also removes the State Board of Education's power to dissolve and form SAUs. On

recommendation of the sponsor, and, with the support from the Department of Education, the Committee agreed unanimously that the bill is Inexpedient to Legislate. Vote 11-0. Rep. Linwood N. Purrington for Education.

HB 895-FN, relative to public school instruction on the effects of alcohol and controlled drugs. Inexpedient to Legislate.

Testimony before the Committee indicated that there is currently an optional program available to schools on this subject. This bill would mandate a program, with considerable cost to local school districts. Vote 11-0. Rep. Jacquelyn Domaingue for Education.

HB 919-FN, relative to the matching requirements for vocational rehabilitation programs. Ought to Pass.

This bill will insure that any increase in federal aid for vocational rehabilitation programs will be matched by the necessary state share as established by federal law. Vote 11-0. Rep. Jacquelyn Domaingue for Education.

Referred to Appropriations.

HB 947-FN, relative to school system pupil registration information. Ought to Pass.

This bill permits school districts to keep school register (attendance) information using computers. This practice is already being carried out in many school districts. The bill requires State Department of Education approval of the programs used in maintaining register information to insure that school districts will be able to provide the information needed by the State Department of Education. Vote 11-0. Rep. Charles B. Yeaton for Education.

HB 732-FN, relative to the workers' compensation special fund. Ought to Pass.

The Committee feels that this bill is a housekeeping policy. It changes the words "disbursement made from the fund to obligation of the fund." Vote 9-1. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

HB 789-FN, relative to assessment of civil penalties under the workers' compensation law. Ought to Pass.

This is a housekeeping bill enabling the Commissioner to do what is already in house policy. Vote 10-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 785-FN-A, relative to the installation of metal detectors at the entrances to the house and senate galleries, and making an appropriation therefor. Inexpedient to Legislate.

The bill's intent is sincere especially in light of the disturbance at the 1987 gubernatorial inauguration, as well as the numerous outbursts from people in the House Gallery during the 1987 session. The Legislature now owns a metal detector (purchased with funds from the Nuclear Regulatory Commission for use during the Seabrook hearings). The Committee feels the Sergeant-at-Arms staff can first test the use of this detector in trial circumstances, after the NRC hearings are over, and then make a recommendation to the Joint Legislative Facilities Committee for consideration of purchase of additional units.

In addition, the Committee wishes to commend the Sergeant-at-Arms staff for its security improvements over the past session. The Committee further feels that the Joint Legislative Facilities

Committee will endeavor to provide the Sergeant-at-Arms staff with the tools necessary to fulfill its duties. Vote 11-0. Rep. Vincent J. Palumbo for Legislative Administration.

HB 799-FN-A, relative to certain state publications and making appropriations for their more efficient production. Ought to Pass. This bill appropriates funds to the Bureau of Graphic Services and the Law Library for equipment to upgrade and automate the production of certain legislative publications and to pay for the Law Library's access to the bill status system. This bill also enables the State Library to dispose of surplus state publications by any means after 24 months. Vote 12-0. Rep. Harold W. Burns for Legislative Administration.

Referred to Appropriations.

HB 973, relative to adopting site plan review regulations. Inexpedient to Legislate. The majority of the Committee felt this bill was unnecessary. It is felt that this subject is covered under RSA 672:14. Vote 13-1. Rep. John S. Barnes for Municipal and County Government.

HB 848, relative to burials on private property. Ought to Pass with Amendment.

This legislation pertaining to the proposed interment of human remains on the "home place" (in a newly-established burial site) is tailored to protect property owners in those 36 communities which do not have a zoning ordinance. The legislation establishes minimum distances from highways, abutters and water supply sources for such burials. Further, it requires that the location of home place "burial sites" be annotated on the deed to the property upon change of owners of the property. Vote 11-0. Rep. Edward J. Flynn for Public Protection and Veterans Affairs.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Section; Distance Required From Highway or Private Property. Amend RSA 289 by inserting after section 2 the following new section: 289:2-a Location of Burial Site. Burials on private property, unless in an existing burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall not be closer than 100 feet from the right-of-way of any highway or closer than 50 feet from a property line or a known source of water, and the location of the burial site shall be recorded in the deed to the property upon transfer of said property to another person.

AMENDED ANALYSIS

The bill, as amended, requires burials on private property to comply with local zoning regulations. In the absence of such regulations this bill prohibits the burial of human remains on private property, other than an established cemetery, that lies within 100 feet of the right-of-way of any highway, or closer than 50 feet from a property line or a water source.

The bill further requires that a burial site be recorded in any deed transferring property ownership.

HB 954, relative to the boilers and pressure vessels law. Ought to Pass with Amendment.

House Bill 954, pertaining to the "inspection of boilers," has been amended to incorporate HB 920, on the same subject, which has been found "inexpedient." HB 954 is generally a housekeeping bill, with numerous minor adjustments to the existing Boiler Inspection Law. One new section has been added (formerly HB 920) which lists exemptions to boiler inspections; small boilers found in model locomotives, small steamboats, tractors and antique motor vehicles, such as the "Stanley Steamer." Vote 14-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend RSA 157-A:3, I as inserted by section 5 of the bill by replacing it with the following:

I. The commissioner shall formulate definitions and adopt rules *under RSA 541-A* consistent with the boiler and pressure vessel code of the American Society of Mechanical Engineers *and the National Board Inspection Code as published by the National Board of Boiler and Pressure Vessel Inspectors*, with the amendments and interpretations thereto [made and approved by the council of the society], to carry out the purposes of this chapter. In addition, the commissioner may adopt rules *under RSA 541-A* to facilitate administration and enforcement of this chapter.

Amend RSA 157-A:6, I as inserted by section 8 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) Manually fired boilers for model locomotive, boat, tractor, stationary engines, or antique motor vehicles constructed or maintained only as a hobby for exhibition or educational or historical purposes, not for commercial use; provided that such boilers have an inside diameter of less than 12" or a grate area not in excess of 2 square feet and equipped with an ASME stamped safety valve of adequate capacity and size, a water level indicator and a pressure gauge.

AMENDED ANALYSIS

This bill amends the boilers and pressure vessels law to conform to the code of the American Society of Mechanical Engineers and the National Board Inspection Code.

The bill also provides that certain boilers may receive a certificate inspection biennially.

This bill, as amended, adds an exemption to the chapter regulating boilers and pressure vessels for those boilers constructed as models which are maintained as a hobby for exhibition or educational or historical reasons, provided that such boilers meet certain requirements.

This bill was requested by the department of labor.

HB 960-FN, requiring facilities to notify fire departments about certain stored chemicals. Refer for Interim Study.

The Committee felt that this legislation should be considered by the State Fire Marshal's Select Study Committee on Fire Training, Fire Prevention, Fire Fighting and Fire Control, in connection with other statutes, codes and regulations already in being. The guidance and recommendations of the State Fire Marshal will be considered in any future revision of the bill. Vote 11-0. Rep. Carl F. Anderson for Public Protection and Veterans Affairs.

HB 1095-FN, requiring gas fume detection alarm units in certain dwellings and health care facilities. Refer for Interim Study.

The Committee felt that this legislation should be considered by the State Fire Marshal's Select Study Committee on Fire Training, Fire Prevention, Fire Fighting and Fire Control, in connection with other statutes, codes and regulations already in being. The guidance and recommendations of the State Fire Marshal will be considered in any future revision of the bill. Vote 11-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

HB 1120-FN, relative to a permanent bonus program for veterans who are residents of New Hampshire. Inexpedient to Legislate. The State of New Hampshire has authorized four bonus payments (WW-I, WW-II, Korean conflict, Vietnam) to military personnel in this century, the payments have been spread over 57 years, with intervals between the bonus payments of 26, 10 and 20 years respectively. Over this spread of years each bonus statute was drafted in a different manner, tailored by our predecessors to fit a particular geographical location, a specific time frame, and what the sitting legislature considered to be an appropriate dollar amount. It is inappropriate for this Legislature to attempt to bind future legislatures in any way, especially as to the dollar amount of a future bonus, which might be appropriate in 5, 10 or 20 years. Some future legislative session will surely draft a suitable bonus bill, if and when the need arises. Vote 11-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 765-FN-A, relative to the printing of "New Hampshire Historical Markers," and making an appropriation therefor. Ought to Pass. The Committee unanimously approved the analysis, intent and purpose of the bill, as written. Further, the appropriation of the sum of \$14,000 seemed adequate to support the bill. Vote 18-0. Rep. Frederik Peyron for Public Works.

Referred to Appropriations.

HB 741, relative to horsepower of motors on Spectacle Pond in the towns of Enfield and Grafton. Ought to Pass. Extensive testimony, substantiated by results of water quality tests at Spectacle Pond, was presented to the Committee by Jody Connors, biologist with the Department of Environmental Services. Based on this information and the unique characteristics of Spectacle Pond, including its shallow depth, spring-fed water source, and oligotrophic classification, the Committee concluded that high horsepower boats would pose an environmental danger and unnecessarily hasten the deterioration of a pristine lake. Vote 12-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development

HB 843-FN-A, appropriating funds for the Northeast Rural Water Association for equipment, technical assistance and training to rural water systems. Ought to Pass.

This bill appropriates \$27,400 to the Department of Environmental Services for a lump sum grant to the Northeast Rural Water Association to assist users of small rural water systems. This nonprofit organization, which is funded through the Environmental Protection Agency, provides a valuable assistance to the State in carrying out its responsibility in assuring that small water user groups have clean water. The State grant will be used in purchasing equipment to provide this service to groups ranging in size from 30 to 300 connectors. Massachusetts and Vermont also provide funding at the present time. Vote 12-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

Referred to Appropriations.

HB 968-FN, authorizing imposition of administrative fines by the water well board. Ought to Pass.

This bill will provide a necessary tool for the Water Well Board in its efforts to obtain complete and timely records from well drillers. It allows the Board to impose a reasonable fine, subject to provisions of RSA 541-A, for failure to file reports. Money received will go into a fund for research and education and use of records for such research for well drillers. Vote 15-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

HB 1072-FN-A, appropriating funds to the department of environmental services for a water supply study. Ought to Pass.

This bill provides a cost-effective avenue for New Hampshire (\$15,000) through the Department of Environmental Services to participate in a public-private water supply study for southern New Hampshire (total cost: \$145,000). This task force and study are a first effort to focus key public and private interests in a common effort to identify problems and resolve conflicts in various water-related issues. Vote 11-0. Rep. MaryAnn Blanchard for Resources, Recreation and Development.

Referred to Appropriations.

HB 1045-FN-A, establishing a committee to study funding for affordable housing and land conservation. Inexpedient to Legislate.

The sponsor of this legislation indicated that the Committee to be established would accomplish little in its deliberations as the funding source, (a percentage of moneys from the Real Estate and Transfer Tax) would probably not be provided. Vote 11-0. Rep. Ralph Parker for State Institutions and Housing.

COMMITTEE REPORTS (Regular Calendar)

HB 1149-FN, establishing a committee to study issues and consumer rights regarding selection of attorneys for mortgage title searches. Majority: Inexpedient to Legislate. Minority: Refer for Interim Study.

MAJORITY: There was no testimony other than that of the sponsor, which indicated no real need for this bill. It was pointed out that if everyone who needed a title search had his/her own attorney do it, this would add both time in processing the title and costs to the lender, because the lender has a person who always does this as well. There was no testimony of existing problems. It was recommended that the buyer of property could purchase title insurance if duly concerned. Vote 13-1. Rep. Sara M. Townsend for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill establishes a study committee regarding selection of attorneys for mortgage title searches. There is great confusion on the part of the consumer/borrower in regard to whose behalf the title search is done - the lender or the borrower. This issue needs further study. Three other New England states allow the borrower to select its own attorney - New Hampshire does not. The lender (bank) is forced to accept the lender's attorney. This issue needs attention and further study. Rep. Raymond C. Buckley for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Daschbach spoke against the Committee report.

Rep. Sara Townsend spoke in favor of the Committee report.

Resolution adopted.

HB 1122-FN-A, authorizing the hiring of school administrative unit field services consultants and making an appropriation therefor. Ought to Pass.

In the 1985-86 Legislative Session, legislation was passed appropriating \$25,000 and creating a joint House-Senate Committee of 3 members from each. This Committee was charged with hiring an independent consultant to study the problems of SAUs and make recommendations for solving these problems thus slowing down the number of SAUs created by legislation.

CRM was the consultant engaged and their report was completed in January 1987, too late to file legislation last session. The State Board of Education and the Department of Education agree there are increasing problems facing the SAUs in the state.

This bill authorizes the Department of Education to hire 2 consultants to assist school administrative units with improving the efficiency and effectiveness of administration and instructional services. With these field services consultants, the Commissioner of Education will have the staff he feels necessary to implement the recommendations of the CRM Report. Vote 10-1. Rep. E. Jane Walker for Education.

Referred to Appropriations.

HB 1142-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. Ought to Pass.

All testimony before the Committee was unanimously in favor. This bill passed the House last Session as one of 14 such community projects.

Manchester Regional Treatment Facility (Phase I) Plant Expansion must be completed by the time interceptors are completed in order to serve the needs of Manchester, Goffstown, Londonderry and Bedford.

The Cohas Brook Interceptor will serve southeast Manchester. The project will make a significant contribution to cleaning up the Merrimack River. Vote 14-0. Rep. Leona Dykstra for Municipal and County Government.

Referred to Appropriations.

HB 1163-FN-A, relative to nursing home care costs paid by counties. Ought to Pass.

This bill raises the state share of non-federal Medicaid nursing home costs from 38.5% to 45%. The share contributed by property taxpayers in each county would therefore drop from 61.5% to 55% and result in estimated current annual savings to those taxpayers of \$2,300,000.

It must be remembered that the state and counties used to contribute 50% each, but the Legislature raised the burden on county taxpayers during the state's fiscal crisis in the early 1980s. At that time, a commitment was made to go back to the 50% - 50% split once the fiscal crisis had passed. A similar commitment was made, and eventually kept, when the rate of the Business Profits Tax was temporarily increased. This bill does not completely restore the equal state - county partnership, and to that extent the commitment to county taxpayers will even now remain unfulfilled. However, adopting the 55% - 45% split is a step toward fairness and legislative credibility. Vote 17-0. Rep. Timothy Bates for Health and Human Services.

Referred to Appropriations.

HB 759-FN-A, relative to constructing facilities for the office of the chief medical examiner and making an appropriation therefor. Ought to Pass with Amendment.

The Committee feels that this is a vital facility for the State of New Hampshire, and its chief medical examiner. We are currently working in the dark ages and must upgrade our program. The bill was amended to provide that a basement be included in the design of the building and that the building be designed in order to accommodate a second story, when and if a second story is needed in the future. Vote 18-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the bill by replacing all after section one with the following:

2 Design. The commissioner of the department of transportation shall ensure that the facilities for the office of the chief medical examiner are constructed with a full foundation, and that the project is designed in such a manner to enable the expansion of the building to a second story at a future date.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates \$800,000 to the department of justice for the purpose of constructing facilities in Concord, New Hampshire, for the office of the chief medical examiner.

The bill, as amended, requires the commissioner of the department of transportation to ensure that such facilities are constructed with a full foundation and designed to enable expansion to a second story at a future date.

Amendment adopted.

Referred to Appropriations.

HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor. Ought to Pass.

The Committee feels that this appropriation is necessary to begin work on the location and size of a new base lodge facility at Mount Sunapee State Park. The appropriation included in this bill will not provide any design money, only funds to study such items as location, size, parking, etc. The base facility at Sunapee is woefully inadequate and needs immediate attention. Vote 18-0. Rep. Gene G. Chandler for Public Works.

Referred to Appropriations.

HB 992, relative to local water resources and protection plans. Inexpedient to legislate.

Testimony indicated the bill is unnecessary. Reference to RSA 31-39 Local Authority Master Plan is not the appropriate place to put enforceable requirements and prohibitions. Vote 13-1. Rep. Paul A. Golden for Municipal and County Government.

Rep. Golden yielded to questions.

Resolution adopted.

EXTENSION

Rep. Elizabeth Greene moved that the Committee on Environment and Agriculture be granted a 2-legislative day extension on HB 862-FN,

relative to solid waste disposal and source reduction.
Granted.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 63

memorializing Legislative Security Chief,
George E. Davis, Jr., of Barnstead.

WHEREAS, we have learned with great sorrow of the death of George E. Davis, Jr., who in 1981 joined the Legislative Security Staff and for the past five years faithfully served the General Court as Chief of Security, and

WHEREAS, George E. Davis, Jr., was a dedicated Legislative employee whose congenial manner and winning ways will be missed greatly by all who knew and worked with him, and

WHEREAS, prior to becoming a member of the Legislative Security Staff, George E. Davis, Jr., served two years as Chief of Police in the New Hampshire town of Middleton, and

WHEREAS, George E. Davis, Jr., also served seven years with the police force in Alton, New Hampshire, attaining the rank of Sergeant, and

WHEREAS, being a native of Concord, Massachusetts, George E. Davis, Jr., came to New Hampshire as a teenager, graduating from Alton High School, choosing to remain in the Granite State to live and work, and

WHEREAS, George E. Davis, Jr., was a veteran of the United States Army and a member of the American Legion and a 32nd Degree Mason, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that George E. Davis be saluted and paid high tribute for his loyalty and dependable service as Chief of Legislative Security, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, January 26 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 947-FN, relative to school system pupil registration information.

HB 732-FN, relative to the workers' compensation special fund.

HB 789-FN, relative to assessment of civil penalties under the workers' compensation law.

HB 848, relative to burials on private property.

HB 954, relative to the boilers and pressure vessels law.

HB 741, relative to horsepower of motors on Spectacle Pond in the towns of Enfield and Grafton.

HB 968-FN, authorizing imposition of administrative fines by the water well board.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 2:10 p.m.

RECESS

(Speaker in the Chair)

Rep. Phelps moved that the House adjourn.

Adopted.

HOUSE JOURNAL 6

Tuesday, 26 Jan 88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Almighty God, whose winds surround us, and whose storms threaten to stop us in our tracks, those of us who gather have struggled to be here. We have left many things undone which will await our return. Some of us might even confess, at least to You, that we were tempted to play hooky.

We ask You, O God, to renew our awareness of Your power and Your presence. As we labor long and hard, help us keep our perspective. Remind us of the mistakes of the past, lest we repeat them. And give us Your Spirit so that we may labor not in vain. Amen.

Rep. Robert Johnson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Joseph Eaton, Ann Derosier, Gosselin, Elizabeth Greene, Gross, Lussier, Wadsworth, Tilton, Lawrence Richardson, Robert Holmes, Ezra Mann, Domini, Hollingworth, Pariseau, Skinner, Beaton, Schwaner, Cooke, Peyron, Wagner, Clark, Splaine, Shriver, McManus, Daigle, Pevear, Jensen, George Gordon and Malcolm Harrington, the day, illness.

Reps. Donna Kelly, William Dion, Frew, Genest, Coulombe, Frechette, Barbara Arnold, Corrigan, Chretien, Ruth Gage, Densmore, Copenhaver, Walter, Bean, Lovejoy, Nagel, Mason, Popov, Champagne, Guest, Keefe, Stonner, Laurion, Simon, Powers, Cox, Michael Jones, Ralph Torr and Eleanor Anderson, the day, important business.

Rep. Daschbach, the day, death in the family.

Reps. Joseph MacDonald, Pignatelli, Wells, Hynes and Frink, the day, illness in the family.

INTRODUCTION OF GUESTS

Norma Lovejoy, guest of the House; Oliver Kearney, guest of Rep. Mulligan; Robert Lincoln, guest of Rep. William Boucher; Dan Hogan, teacher from Nashua Catholic Junior High School, guest of Rep. McGee; Billy and Bobby Burns, sons of Rep. A. Leslie Burns; Mary P. Brown, President of New Hampshire School Boards Association and members of the Association, guests of Rep. Tufts.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 532, allowing real estate firms or brokers to establish interest bearing trust accounts. (amendment printed SJ 1/14)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Hager, Parker and Copenhaver.

HB 714, relative to assessment of open space land. (amendment printed SJ 1/6)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1168, relative to voter registration and the United States Postal Service, was removed at the request of Rep. Lawrence Chase.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 872-FN, regulating risk retention groups and purchasing groups. Ought to Pass.

This is a model bill designed by the National Association of Insurance Commissioners. It would allow any group of similar regimen to associate to form a risk pool, and get a charter from the State of New Hampshire. The goal is to make insurance for these groups more available and affordable. It would hopefully enable better loss data than we now have. It will not affect the New Hampshire Municipal Association or Workers' Compensation. These pools need to be regulated at the state level, and should be financially stable. HB 872 recaptures what was left to the states after Congress passed the Risk Retention Act of 1986. Vote 12-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

HB 1038-FN, relative to credit services organizations. Ought to pass.

This is a straightforward bill, unanimously supported by the Committee to regulate so-called credit service organizations. These groups are creating concern by legitimate credit organizations, because of the demands of up front money with a promise to improve a purchaser's credit rating. Testimony (all of which was in favor of this legislation) suggested that one of two events occur. Either after the up front money is paid, the credit service organization disappears, or if advice is rendered, the advice is in the form of harassment against the credit company. They also offer to obtain a copy of the credit report for a fee, when under the Fair Credit Reporting Act, this information is available upon request at no charge. Vote 12-0. Rep. Leo W. Fraser, Jr. for Commerce, Small Business and Consumer Affairs.

HB 1063-FN, to revive the charter of Kappa Sigma House, Inc. and Jackson Ski Touring Foundation, Inc., nonprofit organizations. Ought to Pass.

This Committee has renewals of charters every session. They are all paid retroactively. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 1079-FN, relative to electing delegates to state party conventions. Inexpedient to Legislate.

The Committee felt that this bill, if passed, would reduce voter participation in elections. More public, open participation is needed, not less. Vote 10-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

HB 1197-FN, relative to a referendum question on nuclear electric generating facilities. Inexpedient to Legislate.

This referendum is non-binding. Just the sponsor testified in favor. All Alliances, Search 88, Women Concerned Citizens and Public Service Company of New Hampshire were all opposed to the way the bill is written. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 756, prohibiting harassment of police dogs or horses. Ought to Pass with Amendment.

This bill makes it a misdemeanor for wilfully interfering with police dogs or police horses by means of physical abusive actions or mistreatment. Vote 16-1. Rep. C. William Johnson for Judiciary.

Amendment

Amend RSA 644:8-d as inserted by section 1 of the bill by replacing it with the following:

644:8-d Willful Interference with Police Dogs or Horses. Whoever willfully tortures, beats, kicks, strikes, mutilates, injures, disables or otherwise mistreats a dog or horse owned or employed by a police department or police agency of the state or any of its political subdivisions or whoever willfully interferes with the lawful performance of such dog or horse shall be guilty of a misdemeanor for each offense.

AMENDED ANALYSIS

This bill makes it a misdemeanor to willfully abuse a dog or horse owned or employed by a police department or police agency of the state or any of its political subdivisions.

HB 767, relative to the contracts made by nonprofit corporations. Ought to Pass with Amendment.

Passage of this bill, as amended, will allow nonprofit corporations to act as sureties or guarantors within scope of their authorized business or in furtherance of their corporate purposes. This will be of great help to nonprofit corporations such as scholarship lenders. The amendment merely makes the affected section more readable. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend RSA 295:6 as inserted by section 1 of the bill by replacing it with the following:

295:6 Contracts. They may make contracts necessary and proper for the transaction of their authorized business, and no other[;]. They shall be capable of binding themselves as sureties or guarantors for others[.], *to the extent that such suretyship or guarantee may be necessary and proper for the transaction of their authorized business or serves to further their corporate purposes.*

HB 863-FN-A, relative to an intrastate computer system to record outstanding arrest warrants for misdemeanors and continually appropriating interest assessments on overdue traffic violation fines for the funding of such system. Ought to Pass with Amendment.

This bill directs the State Police to record on a daily basis the names of persons for whom there are outstanding arrest warrants for misdemeanors. Such information is not now available at a central point. The Committee voted 15-1 to recommend that this aid to effective law enforcement should be established. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Intrastate Misdemeanor Recording System. Amend RSA 106-B by inserting after section 14 the following new section:

106-B:14-a Intrastate Misdemeanors Recorded. The division of state police shall record and update on its computer system on a daily basis the names of all persons for whom there are outstanding arrest warrants for misdemeanors in this state, along with a statement of all arrest warrants for misdemeanors each person has pending. The information recorded shall be made available upon request to all local and state law enforcement agencies and officers.

2 Appropriation; Division of State Police. The sum of \$20,000 is hereby appropriated to the division of state police, department of safety for the fiscal year ending June 30, 1989, for the purposes of section 1 of this act. This appropriation is in addition to any other funds appropriated to the division. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, requires the division of state police to record and update on its current computer system the names of persons for whom arrest warrants for misdemeanors are outstanding along with a statement of all arrest warrants for misdemeanors each person has pending. Such data shall be made available upon request to local and state law enforcement officers.

This bill appropriates \$20,000 to the division of state police, department of safety, for the fiscal year ending June 30, 1989 for the purposes of this act.

Referred to Appropriations.

HB 868-FN-A, establishing mediation pilot programs and making an appropriation therefor. Refer for Interim Study.

House Bill 868 sets up a mediation pilot program. HB 740 and HB 869 recognize voluntary mediation in the law and set up standards for mediators. The Committee would prefer to see these standards enacted before setting up a pilot program. Vote 15-0. Rep. Thomas U. Gage for Judiciary.

HB 904-FN, relative to the Vermont state income tax. Ought to Pass with Amendment.

The bill, as amended, requires the Attorney General to contest the unfair taxation of New Hampshire citizens by the State of Vermont. The Vermont "piggyback" tax is unfair and burdensome to New Hampshire people working in Vermont. The Committee feels that the Attorney General should challenge this. Vote 12-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the bill by replacing section 1 with the following:

1 Attorney General Authorization. Notwithstanding any other provision of law, the attorney general shall undertake proceedings on behalf of individuals or a class of residents of this state to challenge the imposition of taxes imposed on, assessed to, or collected from these residents by the state of Vermont pursuant to the provisions of the Vermont personal income tax statutes, title 32, chapter 151, and by any subsequent amendments thereto.

AMENDED ANALYSIS

As amended, this bill requires the attorney general to undertake proceedings on behalf of individuals or a class of residents of New Hampshire to challenge the imposition of taxes imposed on, assessed to, or collected from New Hampshire residents by the state of Vermont pursuant to provisions of Vermont's personal income tax statutes.

HB 988-FN, providing penalties for distribution of drugs and possession with intent to distribute drugs in or near schools. Inexpedient to Legislate.

The subject of this bill is covered in Senate Bill 237, which has already been passed by this House. Vote 17-0. Rep. David W. Hess for Judiciary.

HB 1058-FN, relative to the penalty for possession of certain narcotic drugs. Inexpedient to Legislate.

The subject of this bill is covered in Senate Bill 237, which has already been passed by this House. Vote 17-0. Rep. David W. Hess for Judiciary.

HB 1086-FN, relative to complaints of domestic violence. Inexpedient to Legislate.

This bill would encourage suits for false arrest, potentially quadruple the number of arrests and above all permit arrest for a crime not committed in the presence of an officer. Vote 12-0. Rep. Elizabeth D. Lown for Judiciary.

HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer. Ought to Pass with Amendment.

This bill will provide a uniform system for the disposal of abandoned property in the state and police departments under procedures established by the Attorney General. It establishes procedures for the disposal of unclaimed property by repair businesses. Finally, it provides a computer to the State Treasurer's Office to control the very considerable disposal responsibility assigned to that department. Vote 14-1. Rep. Robert E. Murphy for Judiciary.

Amendment

Amend RSA 471-C:15-a as inserted by section 2 of the bill by replacing it with the following:

471-C:15-a Disposal of Unclaimed Property by Police Departments. Notwithstanding any law to the contrary, a police department which is holding lost or abandoned property subject to this chapter may dispose of it in accordance with procedures established by the attorney general.

AMENDED ANALYSIS

This bill allows repair businesses to dispose of unclaimed property of \$500 or less, not including motor vehicles, after certain notice procedures.

The bill also allows police departments holding abandoned or unclaimed property to dispose of it in accordance with procedures established by the attorney general.

The bill also increases the time for compliance with escheat procedures under RSA 471-C:30.

This bill also appropriates \$75,000 to the state treasurer for the purchase of a computer and a software system for management purposes.

Referred to Appropriations.

HB 748-FN-A, relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor. Ought to Pass with Amendment.

This bill creates the position of state curator within the Division of Historical Resources, Department of Libraries, Arts and Historical Resources and appropriates \$25,000 for fiscal year 1989 to be used for the salary of this position. That sum is to be augmented with federal matching funds. Vote 12-0. Rep. Mary Ann Lewis for Legislative Administration.

Amendment

Amend RSA 4:8-a as inserted by section 6 of the bill by replacing it with the following:

4:8-a Gifts for Historic Sites and Technical Institutes or Vocational-Technical Colleges. The governor and council may, by executive order authorize the department of resources and economic development to accept, for the state, gifts of personal property and money which are donated for use in connection with historic sites and the buildings or structures thereon, which are under the management of that department. Each such executive order shall relate to a particular site and may authorize the use of such personal property or the expenditure of such money, in accordance with the terms of the gift, under the supervision of such department. Such executive order, as originally made or later amended, may also authorize the sale or exchange of any such personal property found subsequently to be inappropriate for use, where not inconsistent with the terms of the gift, and application of the proceeds or items received in exchange for the purposes of the original gift. The department shall keep a permanent inventory or record of such gifts and the disposition [thereof] of such gifts. The governor and council may, by executive order, delegate the same authority with reference to gifts to [technical institutes or vocational-technical colleges authorizing the commissioner of education to make acceptance thereof] *the division of historical resources, department of libraries, arts and historical resources*, and all other provisions of this section

shall apply [thereto] to such gifts. The board of governors, department of postsecondary vocational-technical education, may accept gifts of personal property and money pursuant to RSA 188-F:4, III. The board shall consult with the state curator regarding gifts of potential historic significance. Gifts of historic significance accepted by the board of governors shall be catalogued by the state curator pursuant to RSA 227-C:4, XVIII, and recognized by the governor and council under this section.

Referred to Appropriations.

HB 906, relative to combining certain school district offices and combining school district and town meetings. Inexpedient to Legislate. Only the sponsor appeared in favor. Based on the testimony of the Departments of Education and Revenue Administration, the Committee was of the opinion this bill should be Inexpedient to Legislate. Vote 10-0. Rep. George M. West for Municipal and County Government.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district. Ought to Pass.

This bill merely expands the authority of village districts to allow them to acquire, maintain and operate mass transportation facilities within their district. Vote 15-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 1015-FN, authorizing municipal ordinance violation boards. Inexpedient to Legislate.

The major objectives of this bill are encompassed by HB 403 which was passed by the House, re-referred by the Senate, and since passed by the Senate (in amended form - concurred in by the House). The preponderance of testimony favored the HB 403 concept and approach. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 1175-FN, relative to an elderly property tax limitation. Inexpedient to Legislate.

House Bill 1175 is a different approach. The bill has not been properly drawn to correct deficiencies. HB 1167, the product of a House/Senate Joint Committee, is a better vehicle to address the elderly exemption problem. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 859-A, making an appropriation for the purchase of a building for the division for children and youth services. Ought to Pass. There is a great need for this building for the purpose of housing young girls. Vote 15-0. Rep. Peter Burkush for Public Works.

Referred to Appropriations.

HB 806, relative to the price of wine. Ought to Pass. This bill, at present, has been in effect on a trial basis for 3 years and has had no impact on the State Liquor Stores. Legislation repeals the restriction on the retail price of wine sold by retail store licensees. Vote 17-1. Rep. William J. Desrosiers for Regulated Revenues.

HB 967, relative to open claiming. Inexpedient to Legislate. The Committee felt that a law to allow any person to "claim" a horse could better be addressed by Racing Commission rules. Also, there was no demand from the public for this "open claiming" legislation. Vote 17-1. Rep. Betsy McKinney for Regulated Revenues.

HB 841-FN-A, establishing a commission to study the state's water use and making an appropriation therefor. Refer for Interim Study. The Committee agrees with the sponsors that judicial review of water use does not constitute an adequate basis for water policy in New Hampshire. Two current efforts, the Water Law Recodification Committee and the Water Supply Task Force, are working to resolve a number of issues pertinent to the question of water policy. The Committee would like to focus on issues in water policy which are related to, but not addressed by, the ongoing efforts. No appropriation from the general fund will be required. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

HB 931, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts. Ought to Pass with Amendment. House Bill 931, as amended, addresses the issue of skiing while intoxicated (SWI) and drinking on ski slopes and ski lifts, which has become a problem in recent years. The Committee believes that this legislation will not place a burden on ski areas, but instead will give them the needed support for their efforts to solve this problem. Vote 11-2. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend RSA 225-A:23, V as inserted by section 1 of the bill by replacing it with the following:

V. Alcohol Prohibited. The operator shall post signs at a prominent location at the entrance to each facility and at the loading area of each lift in a clearly visible location prohibiting the use of any alcoholic beverage during use of the ski facility lifts, trails, or slopes. In the event of an accident, the ski area may test or require a test for blood alcohol levels of any persons involved.

Amend section 2 of the bill by replacing it with the following:

2 New Subparagraphs; Alcohol Use Prohibited. Amend RSA 225-A:24, V by inserting after subparagraph (f) the following new subparagraphs:

(g) Consume any alcoholic beverage while riding on a passenger tramway or ski lift or while skiing on or otherwise using any trail or slope.

(h) Ski or attempt to ski while intoxicated.

AMENDED ANALYSIS

The bill, as amended, prohibits the use of alcoholic beverages during use of passenger tramways, ski lifts, ski slopes, and ski trails, and requires ski facility operators to post signs to that effect at all facility entrances and at the loading area of each lift.

Any person convicted of violating these provisions shall be guilty of a violation.

HB 1104-FN-A, relative to sewage treatment funds and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, will assist communities to cope with the 75% shortfall of federal grant monies for Environmental Protection Agency-mandated sewer projects. This bill amends RSA 149-B:1, I, to increase state aid to communities by 30% for "eligible costs" for acquisition and construction of sewer disposal facilities. The bill further provides for a non-lapsing state funded revolving loan fund to assist communities who do not or cannot participate in the Federal

Revolving Loan Fund Program. Vote 15-0. Rep. William H. McCann for Resources, Recreation and Development.

Amendment

Amend RSA 149-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I. The state of New Hampshire shall, in addition to any federal grant made available under the provisions of the Clean Water Act of 1977 (or subsequent amendments thereof), pay annually [20] 50 percent of the annual amortization charges, meaning principal and interest, on the [original] *eligible* costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns, or village districts), in accordance with RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII, for the control of water pollution. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; the altering, improving or adding to existing treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; provided the construction has been directed by the division of water supply and pollution control, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 149:1, and the plan therefor is approved in compliance with the provisions of RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII. The term "eligible costs" as used in this section shall mean the entire cost of the construction of treatment plants, pumping stations, intercepting sewers and sewer separation by storm drains as defined in the Clean Water Act of 1977.

Amend RSA 149-B:3-a, I as inserted by section 2 of the bill by replacing it with the following:

I. There is established a non-lapsing revolving loan fund to assist in the construction of sewage treatment plants in the state. The director, division of water supply and pollution control, shall develop criteria for the distribution of such funds.

Referred to Appropriations.

HB 1196-FN-A, relative to the acquisition of Warren Pond dam and water rights and making an appropriation therefor. Inexpedient to Legislate.

This bill appears to be premature because all available options for funding the dam's repair have not been pursued. The alternatives to state acquisition are town ownership, lake association ownership, or formation of a village district as provided by Chapter 52, Laws of 1975. The Committee will refer this bill to the Legislative Dam Management Review Committee for discussion of these options with the sponsor. Vote 11-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

HB 884, relative to payment of rent by tenants. Ought to Pass with Amendment.

This bill clearly improves communications between landlords and tenants. The bill also provides a security of payment for the landlord who may be worried about payment of rent for state-assisted

individuals. In short, this says, "if the check's in the mail, the check's mail; don't evict the tenant!" Vote 11-0. Rep. Michael R. Weddle for State Institutions and Housing.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Reference Changes; Rental Agreement. RSA 540:13-c is repealed and reenacted to read as follows:

540:13-c Discretionary Stay Dependent on Payment of Rent.

I. If the defendant defaults, or confesses judgment, or if on trial the court rules that the landlord has sustained his complaint, judgment shall be rendered that the landlord recover possession of the premises and costs. A writ of possession shall be issued, provided that, except in cases of nonpayment of rent, the court may order the tenant shall not be dispossessed until a date not later than 3 months from such default, confession of judgment, or ruling of the court, provided the court decides that under all the circumstances justice requires such stay, based on the reasonableness and good faith of the parties in their respective reports, complaints, demands, and evidence. In the event of any such stay of dispossession, the tenant shall pay the landlord weekly in advance the weekly former rent, or the proportional weekly part of the former rent if rent was payable less often than weekly, and on default of any such advance weekly payment a writ of possession shall be issued and the sheriff shall evict the tenant as soon as possible.

II. Nothing in this section shall be construed to prohibit the parties in a case of nonpayment of rent from agreeing that, in spite of judgment for the plaintiff, a writ of possession shall not be issued, if the defendant makes payments in accordance with a schedule designated in the agreement. However, if such payments are not made when due, a writ of possession shall be issued upon request of the plaintiff.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires a notice to quit for nonpayment of rent to include a statement informing the tenant of his right, if any, to pay the arrearages and liquidated damages to avoid the eviction in accordance with RSA 540:9.

The bill also states that payment by a voucher in the form of a written promise to pay on behalf of a tenant by a municipality of this state shall be acceptable by a landlord; however, the landlord does not have to accept partial payment of rent or payment after the expiration of a notice to quit.

The bill, as amended, allows tenants and landlords to agree to a payment schedule in a case of nonpayment of rent even if the court rules in favor of the plaintiff landlord.

HB 1071-FN-A, relative to guards at the state prison and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that the bill, as written, was not in the best interest of the people involved nor was the cost for the additional thirty guards accurate or sufficient. Vote 11-0. Rep. Richard F. Doucette for State Institutions and Housing.

HB 914, relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax. Ought to Pass.

This bill, requested by the Department of Revenue Administration to provide that, as respects the Business Profits Tax, the taxpayer who fails to make payment when due must pay interest on the amount even if the taxpayer receives an extension of time for filing a return for the Interest and Dividends Tax. Vote 12-0. Rep. Eliot B. Ware for Ways and Means.

COMMITTEE REPORTS
(Regular Calendar)

HB 901-FN, relative to construction work in progress of public utilities. Inexpedient to Legislate.

The principle of paying up front profoundly divided both the Subcommittee and the Committee, even allowing the amendment, which would reduce CWIP's bite on the rate-making process. Despite voluminous testimony, both **pro** and **con**, it is the consensus of the Committee that this bill would not pass at this time. Vote 9-4. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Rep. Frederic Foss moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Pantzer spoke against the motion.

Rep. Hatch spoke in favor of the motion.

Reps. Chambers and Douglas Hall spoke against the motion and yielded to questions.

Rep. Stiles spoke in favor of the motion and yielded to questions.

Rep. Chambers requested a roll call. Sufficiently seconded.

Reps. Marilyn Campbell and Sytek abstained from voting under Rule 16.

YEAS 104 NAYS 177
YEAS 104

BELKNAP: Richard Campbell, Hardy, Hawkins, Holbrook, Turner and Vogler.

CARROLL: Allard, Kenneth MacDonald and Saunders.

CHESHIRE: Delano, Irvin Gordon, Grodin, Morse, Parker, Perry and Sawyer.

COOS: Harold Burns, Frederic Foss, Horton, Marsh, Purrington and Theriault.

GRAFTON: Christy, Driscoll, Hammond, McAvoy, Rounds, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Lionel Boucher, Boutwell, Cowenhoven, Gerard Desrochers, Drolet, Clyde Eaton, Fields, Granger, Scott Green, Hatch, Humphrey, Robert Kelley, Alice Knight, Kurk, Levesque, Lozeau, Magee, Moore, Morrisette, Robert Murphy, Perham, Rodgers, Routhier, Sallada, Steiner, Stiles, Turgeon, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Hayes, Kidder, Manus, Millard, Nichols, Phelps and Whittemore.

ROCKINGHAM: Gordon Arnold, William Boucher, Eunice Campbell, Drake, Felch, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, Newell, Palumbo, Schmidtchen, Scott, Seward, Warburton and Welch.

STRAFFORD: Appleby, Bates, Chamberlin, Dingle, Patricia Foss, Jean, Martling, Swope, Ann Torr, Wilson and John Young.

SULLIVAN: Ingram, Krueger, Lindblade, Rodeschin and Schotanus.

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BELKNAP: Bolduc, Bowler, Dexter, Golden, Maviglio, Pearson, Randall, Thurston and Wixson.

CARROLL: Russell Chase, Olimpio and Schofield.

CHESHIRE: Blacketor, Cole, Doucette, Daniel Eaton, Foster, Hunt, LaMar, Matson, Miller, William Riley, Schwartz and David Young.

COOS: Brady, Brungot, Guay, Kilbride, Lemire, Mayhew and Nelson.

GRAFTON: Adams, Arnesen, Chambers, Crystal, Wayne King, LaMott, Scanlan and Stewart.

HILLSBOROUGH: Ahrens, Baker, Baldizar, Bass, Beaupre, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Cote, Cusson, William Desrosiers, Paul Dionne, Domaingue, Donovan, Dube, Dwyer, Dykstra, Nancy Ford, Frank, Gagnon, Grip, Guilbert, Gureckis, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Lefebvre, Long, Lown, Bonnie McCann, McRae, Messier, Mulligan, O'Rourke, Packard, Paquette, Prestipino, Price, Reardon, Ellen-Ann Robinson, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Vanderlosk and Wood.

MERRIMACK: Austin, Bardsley, James Chandler, Dunn, Fillion, Fraser, Glibreth, Hager, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Pantzer, Rehlander, Gerald Smith, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchette, Buco, Butler, Carpenito, Conroy, Cressy, Cushing, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Haynes, Hoar, Joyce, George Katsakiores, Phyllis Katsakiores, Magoon, McGovern, McKinney, Merchant, Pantelakos, Parr, Read, Ritzo, Rosencrantz, Sanderson, Sherburne, Sochalski, Tufts, Vaughn, Walker, Weddle and Wright.

STRAFFORD: Bernard, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Kinney, Koromilas, William McCann, Musler, Pelley, Francis Robinson, Spear and Wall.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Flint, McKee, Normandin, Spaulding and Sara Townsend, and the motion lost.
Resolution adopted.

HB 1124-FN, relative to credit card purchase signature slips.
Inexpedient to Legislate.

In the majority view, this legislation does not address a New Hampshire problem, and cannot be enforced. Also, the gas dealers who must keep the carbons for records are the very ones the sponsor wants to eliminate. Vote 11-1. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 1148-FN-A, establishing a legislative insurance advisory commission, an insurance research analyst position, and making an appropriation therefor. Inexpedient to Legislate.

In taking testimony, all those speaking except for the sponsor were against the bill. The Committee does not feel there is a compelling

need for a statistical analyst position, especially when during the 1987 Session, a consumer advocate position was unanimously opposed by both the Committee and the House. Vote 11-1. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

CACR 23, relating to compensation of the legislature. Providing that legislators shall be compensated at the rate of \$30 for each legislative day attended. Inexpedient to Legislate.

This Constitutional Amendment, if adopted, would change the rate of compensation of the presiding officers of both houses of the Legislature from \$250 for a two-year term to \$35 per legislative day and for other members from \$200 for a two-year term to a \$30 per legislative day attended. The Committee felt that per diem pay does not belong in the Constitution. Vote 10-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Report adopted.

CACR 28, relating to the age requirement for senators and councilors. Providing that no person shall be elected a senator or councilor who is not of the age of 25 years. Inexpedient to Legislate.

This Constitutional Amendment would reduce the age requirement for senators and councilors from 30 to 25. The Committee felt that the age requirements of all political offices should be studied. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Report adopted.

HB 1026-FN, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations. Ought to Pass.

House Bill 1026 is enabling legislation which authorizes the Secretary of State and the Commissioner of Safety, beginning on January 1, 1989, to institute a voter registration program at driver's license examination facilities and at motor vehicle registration locations. The Supervisors of the Checklist have the final say on whether or not a voter is added to the checklist. If the program is instituted it will last for three years at which time it must be reviewed by the Legislature. Vote 6-3. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. Cutting moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to her motion.

Reps. Holden and LaMott spoke against the motion and yielded to questions.

On a voice vote the Speaker was in doubt and requested a division.

141 members having voted in the affirmative and 139 in the negative the motion was adopted.

Resolution adopted.

HB 899-FN-A, relative to costs of municipal master plans and making an appropriation therefor. Ought to Pass.

The testimony before the Committee was unanimous in support of the objective to increase the level of fiscal support to local planning efforts. There were, however, several questions regarding what would be the best way to render such support. A Subcommittee recommended, and the sponsor agreed, that the bill be amended to read \$250,000 to provide each Regional Planning Commission with computer availability

to tie into the Office of State Planning granite program. Accordingly, the Committee recommends passage of the bill with an intent to submit an amendment when the bill is considered by the Appropriations Committee. Vote 16-0. Rep. Leona Dykstra for Municipal and County Government.

Referred to Appropriations.

HB 922-FN, relative to providing American flags for use in school classrooms. Ought to Pass with Amendment.

This legislation authorizes school boards to accept donations of American and New Hampshire State flags, and flag display equipment, which have been offered as gifts to classes by business concerns, veterans, fraternal and social organizations and individuals. The school board shall approve the method and place for the display of the flags so accepted. The Committee felt strongly that the youngsters in class should have an American flag present, for the purpose of a pledge at the start of the school day, as we in the House have for our daily opening exercise. Vote 10-1. Rep. Scott E. Green for Public Protection and Veterans Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to providing flags for use in school classrooms.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Placement of Flags Allowed. Amend RSA 189 by inserting after section 17 the following new section:

189:17-a Flags Provided by Other than School District.

I. State agencies, private groups, or individual citizens may provide and have placed in a public school classroom an American flag or a New Hampshire state flag, or both, and appliances for displaying such flag or flags, where none is already displayed.

II. Upon receipt of an American flag or a New Hampshire state flag, or both, and appliances donated pursuant to paragraph I of this section, a school shall display such flag or flags in a classroom where none is already displayed.

III. The local school board shall have the authority to accept the donation of flags and appliances, and to determine the location of the flags in the classrooms.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, allows state agencies, private groups or individual citizens to provide and have placed an American flag or a New Hampshire state flag, or both, in a public school classroom that does not already display such flag or flags subject to the approval of the local school board.

Amendment adopted.

Ordered to third reading.

HB 754-A, making an appropriation to acquire abandoned railroad rights of way. Ought to Pass.

The Committee feels that this is very important legislation, in that it provides money to purchase rail property and rights-of-way. These rights-of-way must be preserved for future use, whether it be for railroads, recreation use, or highways. One small section of right-of-way lost from a rail line renders the total right length of way almost useless forever. Vote 19-0. Rep. Gene G. Chandler for Public Works.

Referred to Appropriations.

HB 990-FN-A, relative to construction of a new facility for the Concord district court and making an appropriation therefor. Ought to Pass with Amendment.

Mindful of the time lag between the appropriation of funds and the start of construction, the Committee is recommending only \$200,000 for planning and design costs in fiscal year 1989. The Committee concurred with the Supreme Court's position that a new facility for the Concord District Court is imperative. The sponsor supports the amendment. Vote 16-0. Rep. James A. Chandler for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor.

Amend the bill by replacing sections 1 and 2 with the following:

1 Findings. The general court finds that the current Concord district court building is antiquated and inadequate to serve the needs of New Hampshire's civil and criminal justice system. The Concord district court has been unaccredited since 1983. The building has serious security flaws and cannot afford sufficient protection to litigants, witnesses, judges, or court personnel. The building is overcrowded and lacks a conference room, a separate juvenile hearings room, and rooms for witnesses. Files must be kept in the lobby and corridors of the building because there is inadequate storage space for files which must, pursuant to law, be kept on file by the court for 20 years. Due to all these factors, the general court finds that it is imperative to appropriate funds for the planning and design of a new facility for the Concord district court.

2 Appropriation; Supreme Court. The sum of \$200,000 is hereby appropriated to the supreme court for the fiscal year ending June 30, 1989, for the planning and design of a new facility for the Concord district court. This sum shall be nonlapsing and is in addition to any other funds appropriated to the supreme court for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill, as amended, appropriates \$200,000 to the supreme court for the fiscal year ending June 30, 1989, for the planning and design of a new facility for the Concord district court.

Amendment adopted.

Referred to Appropriations.

HB 996-A, relative to the state's purchase of the Hillsborough county courthouse and to asbestos removal in the courthouse, and making an appropriation therefor. Ought to Pass with Amendment.

Hillsborough County is in need of this building and the removal of asbestos in the courthouse. Vote 14-1. Rep. Peter Burkush for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the state's purchase of the Hillsborough county courthouse and making an appropriation therefor, and relative to asbestos removal in the courthouse.

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation; Supreme Court; Purchase of and Asbestos Removal in Hillsborough County Courthouse. The sum of \$3,100,000 is hereby appropriated to the supreme court for the fiscal year ending June 30, 1989. The supreme court shall pay such sum to the Hillsborough county commissioners for the purchase by the state of the facility presently known as the Hillsborough county courthouse in Manchester. The supreme court shall have the responsibility of removing asbestos from the courthouse.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow on the credit of the state not exceeding the sum of \$3,100,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

AMENDED ANALYSIS

This bill makes a \$3,100,000 appropriation for the fiscal year ending June 30, 1989, to the supreme court for the state's purchase of the Hillsborough county courthouse.

The supreme court shall bear the responsibility of removing asbestos from the courthouse.

Amendment adopted.

Referred to Appropriations.

HB 997-A, making an appropriation to air condition the state house and the state house annex. Inexpedient to Legislate.

The Committee feels that with other projects currently being proposed, air conditioning should not be a priority at this time. The Committee also recommends restraint in this second year of the biennium and items such as asked for in this bill could be better addressed in next Session's Capital Budget. Vote 16-0. Rep. Gene G. Chandler for Public Works.

Resolution adopted.

RECONSIDERATION

Rep. O'Rourke moved that the House reconsider its action whereby it adopted the substitute motion, Inexpedient to Legislate, on HB 1026-FN, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations.

Rep. Cutting spoke against the motion.

Reps. Chambers and Marian Harrington spoke in favor of the motion. On a voice vote the Speaker was in doubt and requested a division. The Speaker declared the motion was manifestly in the negative. Reconsideration lost.

COMMITTEE REPORTS (cont.)

HB 1018-FN-A, imposing a supplemental road toll. Refer for Interim Study.

One-third of the registered vehicles in the state are from communities that would receive no funds generated by this bill. While New Hampshire's gas tax is low in comparison with other states, the majority of the Committee thought the whole area of distribution (primary, secondary and urban funds) should be studied and an equitable formula, taking into consideration both registration and mileage, be adopted. Vote 15-1. Rep. Sandra B. Keans for Public Works.

Report adopted.

HB 807-FN-A, relative to the executive director of the state liquor commission and making an appropriation therefor. Ought to Pass with Amendment.

The bill, as amended, funds the position of Executive Director of the State Liquor Commission and establishes the dollar amount of \$84,250 for the biennium ending June 30, 1989. The amendment affects the pay grouping of the Liquor Commissioners - moving them from Group O to Group P. Vote 17-1. Rep. Howard S. Humphrey for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the executive director of the state liquor commission and making an appropriation therefor, and relative to the salaries of the state liquor commissioners.

Amend the bill by replacing section 2 with the following:

2 Salaries of Liquor Commissioners. Amend RSA 94:1-a, I by deleting from Group O the following:

Liquor commissioners

3 Salaries of Liquor Commissioners. Amend RSA 94:1-a, I by inserting in Group P the following:

Liquor commissioners

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes a supplemental appropriation for the biennium to fund the position of executive director of the state liquor commission.

The bill, as amended, raises the unclassified salary range of the state liquor commissioners from that of Group O to that of Group P.

Rep. Ward spoke to the report.

Rep. Phelps spoke in favor of the report.

Question now being on the Committee amendment.

Amendment lost.

Report lost.

Rep. Phelps moved that HB 807 be reported Inexpedient to Legislate.

Motion adopted.

Resolution adopted.

HB 1115-FN-A, making a supplemental appropriation to the liquor commission. Ought to Pass.

The need for the two (2) additional liquor inspectors was definitely established by testimony before the Committee. The salaries for two inspectors were inadvertently scratched in the last budget go-around. The Liquor Enforcement Chief needs the additional coverage in the North Country. Vote 17-1. Rep. William J. Desrosiers for Regulated Revenues.

Referred to Appropriations.

HB 915, relative to age discrimination in retirement communities.

Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee felt that the bill, as written, did not solve the situation addressed by the Human Rights Commission and would present more problems to the existing communities. Vote 10-2. Rep. Karen McRae for the Majority of State Institutions and Housing.

MINORITY: Under current law manufactured housing parks which discriminate against persons under the age of 45 are exempt from the jurisdiction of the Human Rights Commission. The effect of this exemption is that so-called retirement communities can discriminate against families with children. HB 915 would change current law so that "retirement communities" would be exempt from our anti-age-discrimination law only if they are limited to persons 55 years or older. As such, HB 915 would result in more manufactured housing parks opening their doors to families with children, the most needy segment of our population. Rep. Judy E. Reardon for the Minority of State Institutions and Housing.

Resolution adopted.

HB 1069-FN-A, relative to affordable housing and making an appropriation therefor. Majority: Refer for Interim Study. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt the bill has merit and should be held over in interim study. The Housing Finance Authority will make a report January 1989, and the Committee can evaluate the information contained in the report to see if it satisfies the requirement that would make the bill unnecessary. Vote 8-5. Rep. Ednapearl F. Parr for the Majority of State Institutions and Housing.

MINORITY: House Bill 1069 will establish a housing division within the Office of State Planning and authorizes an appropriation of \$120,000 for the purpose of hiring 4 housing planners. There is a need for state government to take a lead role in addressing the significant housing problems facing the residents of this State. Executive Branch leadership is essential. What can be accomplished through legislation in this area is limited. Our cities and towns need help developing strategies for addressing the housing needs of their residents. Now is the time to give them this help. Our housing problems will not go away, they will only become more and more expensive to solve if we procrastinate. Rep. Judy E. Reardon for the Minority of State Institutions and Housing.

Rep. Scott Green moved that the words, Inexpedient to Legislate, be substituted for the report of the Majority, Refer for Interim Study, and spoke to his motion.

Reps. Chambers and Parker spoke against the motion.

Motion lost.

Referred for Interim Study.

HB 779-FN-A, requiring the installation of 2 traffic lights in Newport and making an appropriation therefor. Ought to Pass.

Testimony at the hearing indicated that there is a serious traffic control problem in this section of Newport. There appears to be some support in the area to assist in covering the cost of installation. The Committee feels that a satisfactory negotiation can be worked out by the Department of Public Works and Highways. Vote 9-2. Rep. Irvin H. Gordon for Transportation.

Referred to Appropriations.

HB 1168-FN, relative to voter registration and the United States Postal Service. Ought to Pass.

This bill creates enabling legislation which will allow New Hampshire to be part of a program now proposed at the federal level. The Committee felt that the Secretary of State could administer the details which would help make it easier for current voters to stay in the system. The Supervisors of the Checklist will still retain their present authority after the forms have gone through the Office of the Secretary of State. Vote 9-0. Rep. Ellen C. Dube for Constitutional and Statutory Revision.

Ordered to third reading.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 64

memorializing former Representative Oliver H. Akerman
of Hampton Falls.

WHEREAS, we have learned with great sorrow of the death of Oliver H. Akerman who during the two bienniums of 1973-74 and 1977-78 served in the New Hampshire House of Representatives, and

WHEREAS, during his tenure as an elected Representative of the people, Oliver H. Akerman diligently and with devotion served as an energetic member of the Standing Committee on Transportation, and

WHEREAS, having been a lifelong resident of Hampton Falls, Oliver H. Akerman had great civic pride and spirit, and served the community as a Selectman, Supervisor of the Checklist, and as a member of the School Board and the Zoning Board, and

WHEREAS, Oliver H. Akerman was a past Director of the Hampton Falls Historical Society, and a member of the Hampton Historical Society, and a past Commander of the Dewitt Clinton Commandary of Portsmouth, and

WHEREAS, for thirty-one years, Oliver H. Akerman was a loyal and devoted employee of the United States Postal Service, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Oliver H. Akerman be saluted and paid high tribute for his service as a member of the New Hampshire House of Representatives, and for his concern for the welfare of the community of Hampton Falls, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Reps. Ahrens, Dube, Fields, Frank, Granger, Robert Kelley and Watson offered the following:

HOUSE RESOLUTION NO. 65

honoring the State Champion Cheerleading Squad
of Merrimack High School.

WHEREAS, the Varsity Cheerleading Squad from Merrimack High School, between February 11th and 16th, will compete at the 1988 National Cheerleading Championships to be held in Anaheim, California, and

WHEREAS, the Varsity Cheerleaders of Merrimack High School earned the right to compete in the national championship by winning the New Hampshire crown in November of 1987 in Somersworth, taking first place in the dance division and second place in the cheering division, and

WHEREAS, the trip to Anaheim, California will be historic, marking the first time a cheerleading team from Merrimack High School will represent New Hampshire at the annual national championship, and

WHEREAS, the cheerleaders of Merrimack High School have collected other distinguished honors, winning Best Cheerleading Squad honors at the 1987 Bishop Guertin Christmas Tournament, and winning at 1987 Pinkerton Academy Competition first place in the dance division and second place in the cheering division, and

WHEREAS, the team of seventeen young women, coached by Lori Goehring, has consistently displayed unity of spirit that has been marked by unselfishness and a strong desire to succeed, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Varsity Cheerleaders of Merrimack High School be recognized and applauded for their historic achievement, and be it further

RESOLVED, that the coach and athletes be lauded for the dedication and hard work that made them State Champions, and be it further

RESOLVED, that the Varsity Cheerleaders of Merrimack High School take with them to Anaheim, California the best wishes for a successful competition, and that a suitable copy of this Resolution be prepared for presentation to Coach Lori Goehring.

Adopted.

INTRODUCTION OF GUESTS

Michael and Shanna Chase, grandchildren of Rep. Russell Chase.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 28 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 872-FN, regulating risk retention groups and purchasing groups.

HB 1038-FN, relative to credit services organizations.

HB 1063-FN, to revive the charter of Kappa Sigma House, Inc. and Jackson Ski Touring Foundation, Inc., nonprofit organizations.

HB 1168-FN, relative to voter registration and the United States Postal Services.

HB 756, prohibiting harassment of police dogs or horses.

HB 767, relative to the contracts made by nonprofit corporations.

HB 904-FN, relative to the Vermont state income tax.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district.

HD 806, relative to the price of wine.

HB 931, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts.

HB 884, relative to payment of rent by tenants.

HB 914, relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax.

HB 922-FN, relative to providing flags for use in school classrooms.

Rep. Hager moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:10 p.m.

RECESS

(Speaker in the Chair)

Rep. Brungot moved that the House adjourn.

Adopted.

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Thursday, 28 Jan 88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Gracious God, as we gather this day we recall those who have reached for the stars in every generation. We give special remembrance of those men and women of the shuttle Challenger, and their ultimate sacrifice as they sought to benefit us all.

We praise You, O God, for the spirit within us, by which we are called forth toward the shared visions and deepest aspirations of all humankind. Keep us faithful to that in our souls which is most noble. Amen.

Rep. Alice Tirrell Knight led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Joseph Eaton, Manus, Malcolm Harrington, McManus, Sochalski, Geraldine Watson, Pevear, Elizabeth Greene, Gosselin, Ann Derosier, Wadsworth, Chris Jacobson, Pariseau, Domini, Lussier, Nagel, Provencal, Jensen, Hollingworth, Clark, Wagner, Shriver, Price and Merchant, the day, illness.

Reps. Alukonis, Ezra Mann, Hatch, Ruth Gage, Chretien, Frechette, Coulombe, Crystal, Genest, William Dion, Donna Kelly, Corrigan, Hardy, Pantzer, Beaupre, Michael Jones, Stonner, Jean and Gourdeau, the day, important business.

Rep. Pignatelli, the day, death in the family.

Reps. Wood, Frink and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Gloria Channon, guest of Rep. Cushing.

SENATE MESSAGE REQUESTS CONCURRENCE

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements.

SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike.

SB 318-FN, establishing a committee to study the feasibility of establishing a New Hampshire zoological park.

SB 322-FN-A, relative to petroleum pollution cleanup.

SB 255, relative to school district boundaries.

SB 343-FN, relative to liability for expenses of children under the supervision of the division for children and youth services.

SB 315-FN, relative to the personnel appeals board.

SB 256, relative to voting in special school districts.

SB 319, relative to cancellation of insurance policies.

SB 286, relative to exchanging police information, on a reciprocal basis, with other states.

SB 287, relative to police assistance from other states.

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 265, 301, 318, 322, 255, 343, 315, 256, 319, 286, 287 and 345, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements. (Commerce, Small Business and Consumer Affairs)

SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike. (Public Works)

SB 318-FN, establishing a committee to study the feasibility of establishing a New Hampshire zoological park. (Resources, Recreation and Development)

SB 322-FN-A, relative to petroleum pollution cleanup. (Resources, Recreation and Development)

SB 255, relative to school district boundaries. (Education)

SB 343-FN, relative to liability for expenses of children under the supervision of the division for children and youth services. (Children, Youth and Elderly Affairs)

SB 315-FN, relative to the personnel appeals board. (Executive Departments and Administration)

SB 256, relative to voting in special school districts. (Education)

SB 319, relative to cancellation of insurance policies. (Commerce, Small Business and Consumer Affairs)

SB 286, relative to exchanging police information, on a reciprocal basis, with other states. (State-Federal Relations)

SB 287, relative to police assistance from other states. (State-Federal Relations)

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct. (Judiciary)

COMMITTEE CHANGE

Due to illness, the Speaker temporarily removed Rep. Malcolm Harrington from the Committee on Environment and Agriculture, on Wednesday, January 27, and replaced him with Rep. Phelps.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 811-FN-A, relative to preventative services for certain adults and making an appropriation therefor, and HB 1112-FN, relative to the

Head Start program and making an appropriation therefor, were removed at the request of Rep. Robert Jones.

HB 979-FN-A, establishing a fact-finding board to review medical claims and making an appropriation therefor, was removed at the request of Rep. Alf Jacobson.

HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system, was removed at the request of Rep. James Chandler.

HB 1183-FN-A, increasing the amount of the contribution to municipalities from the general fund by 20 percent for fiscal year 1989, and making an appropriation therefor, was removed at the request of Rep. Alf Jacobson.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 769-FN, relative to rulemaking authority for the division of elderly and adult services. Ought to Pass with Amendment.

This is a housekeeping measure that will make it clear that the Director of the Division for Elderly and Adult Services may adopt rules under RSA 541-A relating to certain functions transferred to the Division in 1986 under all applicable statutes. The amendment adds two statute citations that were overlooked in the original bill. Vote 14-0. Rep. Ann J. Bourque for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Rulemaking. Amend RSA 126-A by inserting after section 10 the following new section:

126-A:10-a Rulemaking by Director of Elderly and Adult Services. The director, division of elderly and adult services, with the approval of the commissioner of health and human services, may adopt rules pursuant to RSA 541-A, relative to social services for the elderly and adult populations under RSA 126-A:65; 126-A:66; 126-A:67; 161:2, I; 161:2, IV-a; 161:2, XII; 161:2, XII-a; 161:9; and 161-D.

HB 815-FN, relative to the joint committee on elderly affairs. Ought to Pass with Amendment.

This bill increases the membership on the Joint Committee on Elderly Affairs under RSA 17-H from five to nine. Vote 14-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 17-H:2 as inserted by section one of the bill by replacing it with the following:

17-H:2 Membership. The committee shall consist of [5] 9 members: [3] 5 representatives appointed by the speaker of the house, and [2] 4 senators appointed by the president of the senate.

AMENDED ANALYSIS

This bill, as amended, increases the membership on the joint committee on elderly affairs under RSA 17-H from 5 to 9.

HB 817-FN, relative to coordinating programs for the elderly.
Ought to Pass with Amendment.

This bill requires the Department of Health and Human Services to establish procedures, policies, and plans to coordinate the programs affecting the elderly in New Hampshire. The goal is to move toward a coordinated continuum of support for those elderly persons needing assistance and to assure that their needs are met at the most appropriate level of care consonant with their individual needs.
Vote 14-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

Amendment

Amend subparagraph (e) of section 1 of the bill by replacing it with the following:

(e) That to be the most caring and cost effective, assistance should be provided at the most appropriate level of care consonant with the needs of the individual and the funds available;

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. Therefore, the general court hereby declares that it is the policy of this state to provide uniform and coordinated care services to its elderly and that these services shall provide a continuum of care beginning with a minimum of home based assistance and extending through institutional health care. Further, within available funds, assistance shall always be provided at the least intrusive, but most appropriate level of need of an individual and all program decisions shall be made with full consideration of the effect on all other aspects of elderly care with particular reference to the quality of life of those affected and to cost effectiveness.

Amend paragraph II of section 4 of the bill by replacing it with the following:

II. The commissioner of health and human services shall provide a biennial report no later than February 1, beginning in 1991, to the committee on elderly affairs, the speaker of the house, the president of the senate, and the governor, setting forth the plans, policies, and objectives together with applicable implementation procedures. The report shall state what has been accomplished, what remains to be accomplished, specific problems that require resolution, proposed solutions to problems, changes in the statutes that may be necessary or helpful, and a list of all programs together with the amount of federal, state, and matching local funds expended for each. In addition, to the extent practicable, the amount of private funds expended on these programs shall also be included.

AMENDED ANALYSIS

This bill requires the department of health and human services to establish procedures, policies, and plans to coordinate the programs affecting the elderly in New Hampshire.

Under this bill, as amended, departments, agencies, and organizations providing assistance to the elderly shall provide the commissioner of health and human services with information and assistance to assure that there is a coordinated continuum of support for those elderly persons needing assistance and to assure that their needs are met at the most appropriate level of care consonant with their individual needs.

This bill, as amended, requires the commissioner to report biennially to the legislature and the governor no later than February 1, beginning in 1991.

HB 777-FN, relative to real estate appraisals conducted by banks and other lending institutions for loan applicants. Ought to Pass with Amendment.

The Committee believes that a loan applicant, who has paid for a real estate appraisal conducted by a bank or other lending institution, has the right to one free copy of the original appraisal, if it is requested in writing. There was no opposition to this bill. Vote 12-0. Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Real Estate Appraisals for Loan Applicants. Amend RSA by inserting after RSA 399-D the following new chapter:

CHAPTER 399-E REAL ESTATE APPRAISALS CONDUCTED FOR LOAN APPLICANTS

399-E:1 Real Estate Appraisals. Whenever a person pays a fee to any bank, mortgage company or other lending institution regulated by the bank commissioner for a real estate appraisal which is a component of his application for a loan, he shall have the right to receive from such bank or lending institution one copy of the original appraisal free of charge. The request for the copy shall be made in writing.

399-E:2 Penalty. Any bank or lending institution which fails to comply with the provisions of this chapter shall be guilty of a violation and, notwithstanding RSA 651:2, shall be subject to a \$100 fine for each offense.

2 Applicability. The provisions of RSA 399-E as inserted by section 1 of this act shall not affect any contracts between lending institutions and appraisal companies existing prior to the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, requires banks and other lending institutions to provide, free of charge, one copy of an original real estate appraisal conducted by the bank and paid for by a loan applicant, when the loan applicant requests, in writing, a copy of the appraisal.

The provisions of this bill will not affect contracts between lending institutions and appraisal companies existing prior to the effective date of this bill.

HB 955-FN, relative to interstate banking. Ought to Pass with Amendment.

This bill makes the requirement to develop criteria for consideration of banks entering from out-of-state, either by "de novo" or by acquisition, mandatory upon the Board of Trust. The amendment requires that such criteria be consistent with criteria already in use for in-state banks. Vote 14-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 384:48, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. No bank or bank holding company shall be issued an affiliation certificate by the board of trust company incorporation, unless it meets certain criteria for approval of applications for regional banking affiliation certificates. The board of trust company incorporation shall adopt such criteria for approval by rule, pursuant to RSA 541-A. Such criteria shall include evidence that the applicant would, if granted a certificate, serve the consumer needs and protect the consumer interests of the residents of New Hampshire. The rules regarding criteria for approval shall be consistent with already existing rules regarding criteria for approval of in-state banks and bank holding companies.

AMENDED ANALYSIS

This bill, as amended, requires the board of trust company incorporation to establish by rule certain criteria for approval of applications for regional banking affiliation certificates, and to reject or approve such applications based on the criteria it establishes. Such criteria shall include evidence that the applicant would, if granted a certificate, serve the consumer needs and protect the consumer interests of New Hampshire residents. The rules which the board adopts shall be consistent with already existing rules regarding criteria for approval of in-state banks and bank holding companies.

HB 998-FN, relative to liability of manufacturers. Ought to Pass with Amendment.

This bill, which inserts a new section in the New Hampshire Commercial Code, was unanimously endorsed by the Committee as good consumer legislation. A manufacturer will be held liable for the cost of labor and parts used by the manufacturer's service representative under the terms of the manufacturer's express warranty. In addition, the bill requires the manufacturer to make parts available to the designated representative within 30 days of receipt of an order from such representative, except under unusual circumstances. Manufacturers must also make service information and parts available for a period of 4 years from the last date of sale of a particular item. Vote 15-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 382-A:2-329, I as inserted by section 1 of the bill by replacing it with the following:

I. Every manufacturer, whether domestic or foreign, who makes an express warranty pursuant to a sale of a consumer good shall designate one or more representatives within this state to provide services or repairs under the terms of the express warranty. Further, the manufacturer shall make parts available to such representative within 30 days of receipt of an order by the manufacturer; provided, however, that a delay caused by conditions beyond the control of the manufacturer including, but not limited to, labor disputes, acts of God, or transportation delays caused by persons unrelated to the manufacturer shall serve to extend this 30 day requirement. Where such delays arise, conforming goods shall be tendered to the representative as soon as possible following termination of the condition causing the delay. The 30-day requirement shall not be extended due to backlogs in processing

orders, inadequate inventory, or other delays due to the manufacturer or its related entities.

Amend RSA 382-A:2-329, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Any person, firm or corporation failing to comply with any provision of this section shall be liable, in an action in equity, for injunctive relief, for a civil penalty of \$25 per day for each day of non-compliance and shall be liable to the consumer for replacement of the item to be repaired. Prosecution under the provisions of this section shall be brought by the consumer protection and antitrust bureau, department of justice, if it determines that there has been a violation of this section. The requirements, remedies, and provisions of this section shall be in addition to the requirements, remedies, and provisions of any other laws which are applicable to the manufacture, sale, or servicing of consumer goods.

HB 1091-FN, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field. Ought to Pass with Amendment.

By current rule, an insurance agent must complete a designated number of continuing education hours prior to renewal of his license. A council was set up to review the courses for approval. No fee structure was set up at the time, and it has been found that while the council members serve as volunteers, there are more administrative and processing expenses than expected due to the number of course submissions. This bill enables the insurance commissioner to collect a reasonable fee from the organizations submitting the courses, which will be put in a special restricted fund, from which the council will be reimbursed for these expenses. Vote 13-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field, to reimburse the continuing education advisory council.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Insurance Commissioner to Collect Fees for Continuing Education Course Submissions; Special Fund for Reimbursement. Amend RSA 400-A by inserting after section 29 the following new section:

400-A:29-a Fees for Continuing Education Course Submissions; Special Fund Established.

I. The commissioner may impose and collect reasonable application fees in amounts to be determined by the commissioner from sponsoring organizations for submissions of continuing education courses to meet educational requirements established by rule for agents, brokers, and consultants.

II. The fees collected by the commissioner under paragraph I shall be forwarded to the state treasurer for deposit in the continuing education advisory council reimbursement fund. Moneys from this fund

shall be used by the commissioner to compensate the continuing education advisory council.

2 New subparagraph; Special fund Established. Amend RSA 6:12, I by inserting after subparagraph (w) the following new subparagraph:

(x) the money received under RSA 400-A:29-a, II, which shall be credited to the insurance department's continuing education advisory council reimbursement fund.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the insurance commissioner to impose and collect fees from sponsoring organizations for submissions of continuing education courses to meet educational requirements established by rule for agents, brokers, and consultants.

This bill, as amended, provides that such fees shall be deposited in a special restricted fund, from which the insurance commissioner shall reimburse the continuing education advisory council.

Referred to Appropriations.

HB 1144-FN, relative to civil penalties for violations by public utilities. Ought to Pass with Amendment.

The bill, as amended, grants the Public Utilities Commission the discretion to levy a civil penalty up to, but not to exceed \$10,000 against any public utility. It also allows the PUC the discretion of fining officers and agents of public utilities, not to exceed \$1,000 for each violation. Vote 12-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 365:41 as inserted by section 1 of the bill by replacing it with the following:

365:41 Penalty[,] Against [Party] *Utility*. Any public utility which shall violate any provisions of this title, or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the commission, shall be guilty of a felony *and, shall be subject to a civil penalty, as determined by the commission, not to exceed \$10,000. No portion of any fine, nor any costs associated with an administrative or court proceeding which results in a fine pursuant to this section, shall be considered by the commission in fixing any temporary, permanent, or emergency rates or charges of such utility.*

AMENDED ANALYSIS

This bill, as amended, grants the public utilities commission discretion to fine a public utility an amount not to exceed \$10,000 for certain violations. The bill grants the commission discretion to fine a public utility's agent up to \$1,000 per day for certain violations.

HB 826-FN-A, authorizing the hiring of a consultant to review the effectiveness of foundation aid, and making an appropriation therefor, and relative to the teacher shortage study committee. Ought to Pass with Amendment.

The Foundation Aid Study Committee was formed by SB 91 in the 1987 Session. The Committee recommends the hiring of a consultant to review the effectiveness of the Foundation Aid Formula. The amendment addresses the dates for reports to be submitted from the Foundation Aid Study Committee and the Teacher Shortage Study Committee. The dates meet with the approval of both Committees and

unanimous approval of the Education Committee. Vote 16-0. Rep. E. Jane Walker for Education.

Amendment

Amend the bill by replacing section 1 with the following:

1 Study Authorized. The committee to evaluate the foundation aid formula, established by 1987, 264:1, is authorized, with the assistance of the legislative budget assistant, to hire an independent consultant to work at the direction of the committee and the legislative budget assistant. The consultant shall review, study, and report on the effectiveness of the foundation aid formula contained in RSA 198:27-33, and also study the effect, if any, of the formula on the quality of education provided by the school districts. The consultant shall submit interim reports on his progress to the committee by December 1, 1988, by December 1, 1989, and by December 1, 1990. He shall submit a final report of his findings on or before September 1, 1991, to the governor, the executive council, the speaker of the house, and the president of the senate. The cost of this study shall not exceed \$50,000.

Amend 1987, 268:4, II, as inserted by section 3 of the bill by replacing it with the following:

II. The committee shall make an interim report of its findings to the speaker of the house and the president of the senate on or before September 1, 1988. The committee shall make a final report of its findings and recommendations on or before December 31, 1988, to the speaker of the house, the president of the senate, and the governor.

Referred to Appropriations.

HB 928-FN-A, appropriating funds to municipalities and regional planning commissions to encourage recycling programs. Inexpedient to Legislate.

The Committee is fully supportive towards the concept of this bill regarding recycling. However, the Committee did not feel that the designated agency to develop the program was appropriate. Also, this concept is covered in other pending legislation. Vote 13-0. Rep. Frank A. Tupper for Environment and Agriculture.

HB 1143-FN-A, relative to disposal of certain waste material and making an appropriation therefor. Inexpedient to Legislate.

The Committee will be addressing the problem with HB 862. Vote 14-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 761-FN-A, establishing a division of fleet administration and making an appropriation therefor. Inexpedient to Legislate.

There currently is a study committee on this very topic "State Vehicle Maintenance" which will be issuing a report in the next several months. The Committee wishes to review this report before acting on any bill dealing with this subject. Also, it was felt that this bill is not broad enough to address the whole problem - adequate maintenance facilities are not addressed, for example, in the current proposal. Vote 12-2. Rep. David B. Wright for Executive Departments and Administration.

HB 932-FN-A, establishing a New Hampshire film and television bureau and making an appropriation therefor. Ought to Pass with Amendment.

The Committee believes that there could be tremendous opportunity in a Bureau of Film and Television for the State. The Bureau currently

does not exist, although there is an individual in the Office of Vacation Travel who assists companies in this area. This bill would establish the Bureau statutorily and empower the Commissioner to undertake a study of its promotion. Vote 12-2. Rep. Wayne D. King for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Bureau Established. Amend RSA 12-A by inserting after section 23 the following new subdivision:

Film and Television Bureau

12-A:24 Bureau Established. There is established a New Hampshire film and television bureau in the department of resources and economic development. The purposes of the bureau shall be:

I. To promote the economic development of the film and television industry in New Hampshire.

II. To promote the utilization of location sites by the film and television industry in the state of New Hampshire.

III. To advise the governor on suggested policy relating to the state's development, coordination, and implementation of a program for the purpose of encouraging a viable motion picture and television industry in New Hampshire.

3 Plan for Promotion.

I. The commissioner of resources and economic development shall develop a plan to promote New Hampshire's economic development through the film and television bureau established in section 2 of this act. This plan shall include but not be limited to:

(a) Identification of opportunities for activities related to the film and television industries for the state to pursue.

(b) Recommendations for both long range and short term programs that will result in more economic gain for the state.

II. The commissioner shall submit this plan by December 1, 1988, to the governor, the executive council, the speaker of the house, and the president of the senate.

4 Appropriation. There is appropriated the sum of \$1 to the department of resources and economic development for the biennium ending June 30, 1989, for the purpose of establishing the New Hampshire film and television bureau established by this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a New Hampshire film and television bureau in the department of resources and economic development.

This bill, as amended, requires the commissioner of resources and economic development to develop a plan to promote New Hampshire's economic development through this new bureau. The commissioner shall submit this plan to the governor and the council, the speaker of the house, and the senate president by December 1, 1988.

The bill, as amended, appropriates \$1 to the department for the establishment of the bureau.

Referred to Appropriations.

HB 1107-FN-A, establishing a committee to implement recommendations on legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor. Ought to Pass.

Chapter 65 of the 1986 Session Laws provided special retirement benefits for a limited group of incumbent legislative and constitutional officers, and also called for a study and recommendation on a retirement plan for their successors and other legislative employees. A select committee has completed an outline of such a plan, and also determined that professional help would be needed in working out the details. This bill provides for a committee to complete the study and recommendation, and appropriates \$7,000 for the professional help. Vote 17-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Referred to Appropriations.

HB 1185-FN-A, establishing a bureau of worker safety and health education and making an appropriation therefor. Ought to Pass with Amendment.

The sponsors, Subcommittee, Department of Labor and Public Health Services all feel it is in the best interest of everyone to expand upon programs already in place, rather than create another layer of bureaucracy by establishing another department. Vote 12-1. Rep. Catherine Schneiderat for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a program of worker safety and health education within the department of labor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Program of Worker Safety and Health Education; Fund Established. Amend RSA 281 by inserting after section 55 the following new sections:

281:56 Program of Worker Safety and Health Education Established.

I. There is established in the department of labor, inspection division, a program of worker safety and health education which shall be administered by the labor commissioner.

II. The department of labor shall, in conjunction with the division of public health services, compile and provide educational services to persons subject to the provisions of this chapter concerning the prevention of occupational diseases and injuries, including, but not limited to, information regarding known and suspected hazards in the workplace.

III. the services under this program shall be coordinated with the services provided under RSA 140 and RSA 141-B by the division of public health services, department of health and human services. Such coordination shall be in accordance with an agreement negotiated annually between the department of labor and the division of public health services. The agreement may, if it is determined necessary by the commissioner of labor and the director of the division of public health services, include provisions for expenditure by the division of public health services of funds deposited in the worker safety and education special fund established under RSA 281:57.

281:57 Worker Safety and Education Special Fund.

I. There is established in the office of the state treasurer a special fund for the purpose of paying all costs of administering the program of worker safety and health education established by RSA 281:56. The fund shall be administered by the labor commissioner. The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not be money or property of the state.

II. The state treasurer is authorized to disburse moneys from the fund upon written order of both the labor commissioner and the commissioner of administrative services in accordance with a budget approved by the general court. The treasurer shall give bond in an amount to be fixed by the labor commissioner, conditioned upon the faithful performance of his duty as custodian of the fund. The premium of the bond shall be paid out of the fund.

III. Each carrier and self-insurer, including the state, shall make payments to the fund of its prorata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw his warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The prorata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed 1/4 of one percent of the total compensation, including medical benefits, paid by all carriers and self-insurers during the fiscal year which ended in the previous calendar year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The labor commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

IV. The labor commissioner shall be charged with the conservation of the assets of the fund. To this end, the attorney general shall appoint a member of his staff to represent the fund in all proceedings brought to enforce payment of assessments as provided in paragraph III.

2 Reference Addition. Amend RSA 140:2, II to read as follows:

II. Promotion of an orderly consultative pattern within the state, among the states, and between the federal government and the state, and the facilitation of intergovernmental cooperation with respect to *occupationally related illnesses and with respect to* the use of chemical and physical agents to the end that duplication of effort may be minimized.

3 Reference Addition. Amend RSA 140:4, III to read as follows:

III. Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, industries, and groups concerned with control of chemical or physical agents *and with prevention of occupationally related illnesses.*

4 New Paragraph; Agreement. Amend RSA 140:4 by inserting after paragraph VIII the following new paragraph:

IX. Negotiate an agreement annually with the department of labor to clarify the responsibilities of the department of labor and the division of public health services in carrying out the provisions of RSA 140, RSA 141-B, and RSA 281:56. The negotiated agreement shall be, in so far as is possible, in accordance with RSA 140:2, II.

5 Reference Addition. Amend RSA 140:4, VI to read as follows:

VI. Collect and disseminate health education information relating to protection from *occupationally related illnesses and* chemical or physical agents.

6 Appropriation. The sum of \$50,000 for the biennium ending June 30, 1989, is appropriated to the labor department for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a program of worker safety and health education in the department of labor, inspection division. The function of the program shall be to provide educational services to persons concerning the prevention of occupational diseases and injuries.

The bill, as amended, provides that the services under this program shall be coordinated with services provided by the division of public health services under RSA 140 and RSA 141-B.

To pay the costs incurred by the program, the bill establishes a special fund in the office of the state treasurer to be administered by the labor commissioner. The money in the fund shall be disbursed upon written order of both the labor commissioner and the commissioner of administrative services in accordance with a budget approved by the general court.

Under this bill, carriers and self-insurers, including the state, shall pay into the fund on a computed prorata share of one fiscal year's costs to be appropriated out of the fund.

The bill appropriates \$50,000 to the labor department for the purposes of this bill.

Referred to Appropriations.

HB 764-FN-A, relative to access points to a lake and making an appropriation therefor. Refer for Interim Study.

House Bill 764 requires the State of New Hampshire to acquire and construct, at its expense, an alternate public access for fishermen, to Whitemore Lake in the town of Bennington. Presently, part of the town's beach and beach parking area encroach state land, including the access road to the lake. Providing another access, using Wallop-Breaux funds, is the town's proposed solution to the beach parking problem. There are many questions to be answered, especially definition of property bounds and ownership. A number of other solutions should be explored. The Committee recommended Interim Study by a vote of 13-0. Rep. Jack Schofield for Fish and Game.

HB 994, relative to donating blood for family members. Inexpedient to Legislate.

Dr. Miles McCue said there is a form available for a parent to donate blood for a child. Red Cross Blood Service does have blood which meets standard of testing. They can have direct or designated blood donations to be held for another individual. This can be done at blood donor drawings. Blood is safer now - blood banks screen blood thoroughly. The chances of contracting infection is one in one million. The cost would be prohibitive if HB 994 passes; it is too costly to maintain family blood banks and require more help. At this time, with the Red Cross being able to state that blood is safer when it is given at the blood banks, and the children can be given blood, I withdraw my request for the bill. Also, blood can be stored for the individuals and for themselves, I bow to the authorities after they have given me these statements. Vote 20-0. Rep. Mary J. Sullivan for Health and Human Services.

HB 776, relative to the examination of jurors. Ought to Pass.
This bill authorizes the court to require a juror to answer upon oath if he is employed by either party in the case to be tried. Vote 15-0. Rep. Dean Dexter for Judiciary.

HB 845-FN, relative to the department of corrections. Ought to Pass with Amendment.

This bill clarifies the duties and responsibilities of the Division of Medical and Psychiatric Services in the reorganized Department of Corrections. It authorizes and directs the Commissioner to initiate guardianship proceedings for persons in the custody of the Commissioner when such need exists for the person for his own protection. The amendment also restores a previous provision of law under which psychologists may conduct evaluations of persons being considered for involuntary commitment to the State Hospital. Vote 11-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the department of corrections, allowing psychologists to conduct examinations for purposes of nonemergency involuntary admissions, and making an appropriation to the department of corrections.

Amend RSA 21-H:8, XI-b as inserted by section 3 of the bill by replacing it with the following:

XI-b. Whenever it appears to the commissioner that a person who has been committed to the custody of the department of corrections is substantially deprived of his capacity to manage his own affairs and is as a result at risk of substantial harm to himself or his estate and such person does not have a legal guardian, the commissioner shall take such steps as are appropriate to safeguard such person as are consistent with RSA 464-A and RSA 547-B, including the nomination of a guardian when no less restrictive alternative is available.

Amend the bill by replacing section 5 with the following:

5 Appropriation; Department of Corrections. The sum of \$18,200 is hereby appropriated to the department of corrections for the fiscal year ending June 30, 1989, for the purposes of section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Mental Health Services System; Definitions. Amend RSA 135-C:2 by inserting after paragraph XIII the following new paragraph:

XIII-a. "Psychologist" means a person certified under RSA 330-A:11.

7 Psychologist Added; Examination by Psychiatrist or Psychologist. Amend RSA 135-C:40 to read as follows:

135-C:40 Examination by Psychiatrist or Psychologist. Upon receipt of the petition, the court shall order the person sought to be

admitted to make himself available for an examination by a *psychologist affiliated with a community mental health program* or by a psychiatrist designated by the court prior to the date of the hearing. A written report prepared by a *psychologist affiliated with a community mental health program* or by a psychiatrist shall be filed with the court on or before the day of the hearing. The report shall include the following:

I. Whether, in the opinion of the examining *psychologist affiliated with a community mental health program* or psychiatrist the person sought to be admitted meets the standard in RSA 135-C:34.

II. Whether, in the opinion of the examining *psychologist affiliated with a community mental health program* or psychiatrist involuntary admission is necessary for treatment of the person.

III. The form of treatment best suited to the needs of the person, if, in the opinion of the examining *psychologist affiliated with a community mental health program* or psychiatrist involuntary admission is not necessary.

IV. The receiving facility which can best provide the degree of security and treatment needed for the person.

V. Possible alternatives, including the least restrictive alternative, considered by the examining *psychologist affiliated with a community mental health program* or psychiatrist.

8 Psychologist Added; Conduct of Hearing. Amend RSA 135-C:43 to read as follows:

135-C:43 Conduct of Hearing. For hearings held under this chapter, the person sought to be admitted shall have the right to legal counsel, to present evidence on his own behalf, to have a closed hearing unless he requests otherwise, and to cross-examine witnesses. He shall also have the right to summon as a witness the *psychologist affiliated with a community mental health program* or psychiatrist who filed the report pursuant to RSA 135-C:40 and to cross-examine him. A transcript, which may consist only of any audio recording of the proceedings, and at the court's discretion, shall be made of the entire proceeding. The transcript may serve as the basis for an appeal and the costs of the transcript shall be apportioned, within the judge's discretion, between the state and the person sought to be admitted. The transcript or recording shall be retained by the court for 2 years or until official notice is received of discharge, if the person is admitted on an involuntary basis and subsequently discharged.

9 Psychologist Added; Order of Court. Amend RSA 135-C:45 to read as follows:

135-C:45 Order of Court. In hearings held under this chapter, after hearing all the evidence, the court may order the respondent to be released, notwithstanding expert testimony, or it may order the person to submit to some form of treatment other than in-patient treatment on an involuntary basis, which may include treatment at a community mental health program approved by the director. If the examining *psychologist affiliated with a community mental health program* or psychiatrist recommends involuntary admission to a receiving facility as the most desirable form of treatment, the court may so order. If the court determines that involuntary admission to a receiving facility is necessary, but the examining *psychologist affiliated with a community mental health program* or psychiatrist finds otherwise in his report under RSA 135-C:40, the court may overrule the recommendation of the *psychologist affiliated with a community mental health program* or psychiatrist only after the court finds that treatment other than involuntary admission to a receiving facility would not be in the best interests of the person and the community.

10 Effective Date.

I. Section 5 of this act shall take effect July 1, 1988.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill sets out the duties of the division of medical and psychiatric services in the reorganized department of corrections under RSA 21-H. This bill allows the department of corrections to initiate guardianship proceedings for persons in the custody of the commissioner. The bill, as amended, appropriates \$18,200 to the department of corrections for the fiscal year ending June 30, 1989, to pay the costs of such guardianship proceedings.

This bill also repeals 2 RSA sections, which require the commissioner to submit an annual report on the department's expenses and management to the governor and to appoint appraisers to make an annual appraisal of the property at the state prison.

This bill, as amended, also allows psychologists who are affiliated with community mental health programs to conduct examinations for purposes of nonemergency involuntary admissions.

Referred to Appropriations.

HB 898-FN, providing minimum occupational health and safety standards for the operation of video display terminals at places of employment. Inexpedient to Legislate.

The Committee was concerned as to when the safety standard would stop because the bill was so broad, whether it is a proper role for the government of New Hampshire, and whether it should intervene in the workplace. The Committee feels that the workforce of the future, the private and public industries will be utilizing methods to make the employee more comfortable in order to obtain maximum performance of the employee on the job, which in turn will create a greater profit and gain for the industries in this state. Vote 10-1. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

HB 866-FN-A, transferring the administrative rules division of the office of legislative services to the jurisdiction of the joint legislative committee on administrative rules and making an appropriation therefor. Inexpedient to Legislate.

Because of the pending legislative employee and reorganization study, the Committee feels that this bill is premature. Vote 10-1. Rep. Mary Ann Lewis for Legislative Administration.

HB 953-FN-A, relative to a fire protection system for the vault in the state archives and making an appropriation therefor. Ought to Pass. The Committee unanimously feels this investment of \$11,000 to protect the irreplaceable records of our State is money well-spent. Currently, there is no fire suppression system in the vault because water damage from a standard sprinkler system could cause more damage to documents than smoke or fire. A newly-developed HALOGEN system which suppresses fires by exhausting the oxygen in the air, but which produces no substance that will damage the documents and which gives humans ample time to evacuate the room in case of emergency is now available for this purpose. Its relatively small cost will adequately, and properly, protect the 3 million documents in the State Archives vault. Hopefully, this will prevent a disaster such as that in 1730 when the Secretary of State's house burned and all the State's records were lost. Vote 11-0. Rep. Vincent J. Palumbo for Legislative Administration.

Referred to Appropriations.

HB 987-FN-A, establishing a committee to study the conservation of the flags displayed in the hall of flags and making an appropriation therefor. Inexpedient to Legislate.

The intent of this bill is essential. The Committee feels that the new state curator should have as a first charge the restoration and preservation of the flags in the State House Hall of Flags. The 103 flags are in a deteriorating condition and a determination on the best course of action for them must be made in a timely fashion. The Committee supports these important efforts; the Joint Committee on Legislative Facilities is acutely aware of the problem and is ready to support the new curator in this concern; therefore, it is felt this legislation is not necessary. Vote 9-2. Rep. Vincent J. Palumbo for Legislative Administration.

HB 747, relative to the operation of bingo games at agricultural fairs. Ought to Pass.

House Bill 747 raises the level of accountability for monies wagered on Bingo games at agricultural fairs. Vote 16-0. Rep. Stephen W. Buco for Regulated Revenues.

HB 798-FN, relative to special function liquor licenses for clubs. Ought to Pass with Amendment.

The Committee, in executive session, concurred in the feeling that social clubs should be provided with the opportunity to increase special functions from 18 to 36 instances per annum. This is an opportunity situation for the clubs; not a mandate. The increase in license fees is raised from \$300 to \$500 per annum. This will result in a \$12,000 increase in State revenue. The amendment clarifies certain procedures to be followed by these clubs in exercising these special licenses. Vote 17-1. Rep. Stephen W. Buco for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to special function liquor licenses for clubs and special liquor licenses and permits for nonprofit organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 Clubs. Amend RSA 178:7, II to read as follows:

II. [For an additional fee of \$300.00 per annum,] The commission may issue to a club licensed under paragraph I an additional license to set up a separate bar facility to serve alcoholic beverages to private groups in a rental hall approved by the commission. This additional license shall allow the club to hold up to 18 events [per year] *for a fee of \$300 per year or up to 36 events for a fee of \$500 per year.* The club shall be responsible for compliance with the provisions of this title and any rules adopted hereunder during such events. The club shall notify the commission at least 5 days prior to the date of any scheduled private affair which will be serviced by such bar facility. The commission may suspend the use of such bar facility without affecting the status of any other license in effect on the club premises.

2 Special Licenses and Permits for Nonprofit Organizations. Amend RSA 178:8-b to read as follows:

178:8-b Special Licenses and Permits for Nonprofit Organizations. Notwithstanding the provisions of RSA 181:3, the commission may issue a limited permit or license or both to any responsible individual representing a voluntary nonprofit group or organization approved by the commission. Said permit or license shall authorize the permittee to sell

[to members and their guests of the group or organization for whose benefit such permit or license shall have been issued], on premises approved by the commission, the beverages or liquor described in the permit or license.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, allows the liquor commission to grant a license to hold up to 36 special events per year, in a club licensed to serve liquor, for a fee of \$500 per year, as an alternative to the 18 special functions for a fee of \$300 per year allowed under current law.

The amended bill no longer restricts a limited permit or license, granted to a nonprofit organization for the sale of alcoholic beverages, to members and guests of the organization for whose benefit the permit or license is issued.

HB 809, requiring manufacturers of lucky 7 tickets to record serial numbers of every ticket sold in the state. Inexpedient to Legislate. House Bill 809 was voted Inexpedient to Legislate by a vote of 9-6. Since there is no problem with "skimming," the Committee felt that this bill called for additional record keeping by both the state and the distributors with uncertain value. Rep. Betsy McKinney for Regulated Revenues.

HB 983, relative to early betting on thoroughbred racing. Ought to Pass with Amendment.

This is enabling legislation to allow tracks to establish an early betting pool and such bets to be paid at that pool's odds. This would not interfere with the current method(s) in betting and may or may not be adopted by the various race tracks. Vote 16-0. Rep. Betsy McKinney for Regulated Revenues.

Amendment

Amend the bill by replacing section 2 with the following:

2 New Section; Win Early Betting Pools Established. Amend RSA 284 by inserting after section 30 the following new section:

284:30-a Win Early Betting Pools.

I. At any track where running horse races are held, a licensee under this chapter may establish a win early betting pool, which shall consist of the win bets placed at the track during a specified period beginning immediately after the opening of the betting period for that particular race on the day of that race.

II. The win early betting odds shall be fixed at the end of the specified period and shall be displayed until all bets are paid off for that race.

III. Advanced betting moneys shall be placed in the regular pool and not in the win early betting pool.

IV. The commission on all bets placed during the win early betting period is an additional one percent over the regular commission authorized in RSA 284:22.

HB 752, repealing the restriction on horsepower on Hermit Lake in the town of Sanbornton. Inexpedient to Legislate.

The Committee felt that repealing the restriction of horsepower on Hermit Lake is premature at this time. In the last session extensive hearings were held on the subject. The hearings were very well-attended and the majority of the people testifying indicated a very urgent need for the restrictions, as passed. The Committee

feels it should allow the restrictions to remain in effect for a few years before it takes further action. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 780, relative to Loon Pond. Inexpedient to Legislate.

This bill proposes giving jurisdiction for use of waters of Loon Pond to the Forestry Service of the United States Department of Agriculture. The Committee on Resources, Recreation and Development, realizing sovereign control over state waters, under public trust responsibilities, belongs to the New Hampshire Legislature, the Committee felt obliged to vote this bill Inexpedient to Legislate pending completion and review of the required Federal Environmental Impact statement. Vote 15-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 831-FN-A, relative to reimbursement for oil spill damage and making an appropriation therefor. Ought to Pass with Amendment. House Bill 831, as amended, makes a one time appropriation of \$20,000 from the Oil Pollution Control Fund to reimburse a year-round lobsterman, Edward H. Heaphy, for equipment and vessel damaged by a submerged oil slug of unidentifiable origin in the Piscataqua River. The bill also requires the Commissioner of Environmental Services to report by September 30, 1988, on its lack of authority to indemnify third parties due to surface oil spills, and legislative recommendations to handle similar cases. Vote 15-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a one-time reimbursement for oil spill damage and making an appropriation therefor and relative to the administration of the oil pollution control fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Oil Pollution Control Fund; Oil Spill Damage. There is appropriated to the division of water supply and pollution control, department of environmental services, the sum of \$20,000 for the fiscal year ending June 30, 1989, for the purpose of reimbursing Mr. Edward B. Heaphy of Dover for losses of lobster pots, other fishing equipment, and damage to his boat resulting from an oil spill of unidentifiable origin on the Piscataqua River. Notwithstanding RSA 146-A:11-a or any other provision of law, such sum shall be appropriated from the oil pollution control fund established by RSA 146-A:11-a. Such appropriation shall be limited to the purpose provided for in this section, and shall not otherwise affect the statutory operation of the oil pollution control fund established in RSA 146-A:11-a. Such sum shall be in addition to any other funds appropriated to the division.

2 Report; Oil Pollution Control Fund. The commissioner of environmental services shall report to the president of the senate; speaker of the house of representatives; the chairman, house resources, recreation, and development committee; and the chairman, senate development, recreation, and environment committee regarding the department's present lack of authority to indemnify third parties for losses due to oil spills, and presenting specific legislative recommendations to authorize the department to make such payments from the oil pollution control fund in the future.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

The bill, as amended, makes a one-time appropriation of \$20,000 from the oil pollution control fund to reimburse an individual for losses suffered due to an oil spill on the Piscataqua River.

The bill also requires the commissioner of environmental services to submit a report by September 30, 1988, on the department's present lack of authority to indemnify third parties for losses due to oil spills from the oil pollution control fund along with recommendations for legislation to provide for similar payments to individuals in the future.

Referred to Appropriations.

HB 890-FN, relative to permits and responsibility for dams. Ought to Pass with Amendment.

This bill authorizes the Division of Water Resources to issue permits for new dams on great ponds, it also authorizes the Division to issue permits it deems necessary to implement its duties relative to dams and flowage. The amendment deletes section 1 of the bill as being unnecessary because the Division of Water Resources and the Balsams Corporation are entering into a contract where the Balsams Corporation will operate, maintain and repair the dams on Lake Gloriette at its expense. Vote 12-0. Rep. Wayne Spear, Jr. for Resources, Recreation and Development.

Amendment

Amend the bill by deleting sections 1 and 4, and renumbering sections 2, 3, and 5 to read as sections 1, 2, and 3, respectively.

AMENDED ANALYSIS

The bill, as amended, authorizes the division of water resources to issue permits for new dams on great ponds effective July 1, 1988. It also authorizes the division to issue permits it feels necessary to implement its duties relative to dams and flowage.

This bill was requested by the department of environmental services.

HB 1041-FN-A, relative to a proposed Ammonoosuc state park and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, creates an 11-member committee to study and recommend a program and legislation, if necessary, for continuing protection to its watershed areas of the 2 main tributaries of the upper Ammonoosuc River. The study shall be conducted in cooperation with the Land Conservation Investment Program established by RSA 221-A. Vote 18-0. Rep. Thomas M. Brady for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study and develop a plan for the protection of the Upper Ammonoosuc River watershed.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. For the purpose of providing continuing protection to the watershed areas of Nash Stream and Phillips Brook, 2 main tributaries of the Upper Ammonoosuc River, and to further protect the valuable natural resources of forest lands, ponds, waterfalls, and scenic cascades, the general court deems it of major public benefit to establish a committee to study and, in cooperation with the land conservation investment program established by RSA 221-A, to develop a plan for the permanent protection of this approximately 69,000 acre area for the people of New Hampshire now and for generations to come.

2 Committee Established.

I. There is established an 11-member committee, to be known as the Ammonoosuc watershed forest committee, to study the options for protecting the watersheds of Phillips Brook and Nash Stream for permanent public use. Options to be considered shall include, but not necessarily be limited to, purchase of fee and less-than-fee interests, including conservation easements and development rights; donations; and other innovative land protection techniques.

II. The committee shall work cooperatively with the land conservation investment program established by RSA 221-A and with affected landowners to identify the best possible mechanisms for protecting these lands. It is the intent of the general court that the committee work constructively and cooperatively with affected landowners and that in no way should the establishment of the committee restrict the rights of any landowner. It is the intent of the general court that protection options not preclude the continued use of the land for responsible forest management, in addition to use for hunting, fishing, and other recreation.

III. The committee shall be composed of 2 members appointed by the governor, one of whom shall represent the forest industry; 2 members of the senate, appointed by the president of the senate, one of whom shall live north of Route 2; 2 members of the house appointed by the speaker of the house, one of whom shall live north of Route 2; the director of parks and recreation, or his designee; the director of forests and lands, or his designee; a representative of the land conservation investment program appointed by the executive director of the program; a representative of the Trust for New Hampshire Lands appointed by the trustees; and a representative of the Society for the Protection of New Hampshire Forests, appointed by the executive director of the society.

IV. The committee shall elect at least a chairman and a secretary. The first-named member appointed by the speaker shall call the first meeting. Further meetings shall be called by the chairman or at least 6 members.

V. Legislative members of the committee shall be reimbursed for mileage at the legislative rate and state agency members at the state employee rate.

VI. The legislative members shall serve terms coterminous with their legislative terms, but if reelected may continue as committee members, unless replaced by the appointing authority. The other committee members shall serve until the committee report is finalized.

VII. The committee shall present a preliminary report to the governor, president of the senate, and speaker of the house on or before November 1, 1988, and a final report, including recommended legislation, if necessary, on or before September 1, 1989.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, creates an 11-member committee to study and recommend a program and legislation, if necessary, for continuing protection to the watershed areas of the 2 main tributaries of the upper Ammonoosuc River.

The study shall be conducted in cooperation with the land conservation investment program established by RSA 221-A.

The committee shall make its initial report by November 1, 1988, and a final report with any proposed legislation by September 1, 1989.

Referred to Appropriations.

HB 757-FN-A, exempting direct obligations of the United States government from taxation under the interest and dividends tax. Inexpedient to Legislate.

This legislation is no longer necessary as a recent judicial decision exempted direct obligations of the United States Government from taxation under the Interest and Dividends Tax. Vote 12-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 1056-FN-A, authorizing the payment of bond expenses out of bond proceeds and continually appropriating funds for such expenses if bond proceeds are insufficient. Ought to Pass.

This legislation is requested by the State Treasurer as recommended by the Legislative Budget Office, Post Audit Division. Vote 17-0. Rep. Kathleen W. Ward for Ways and Means.

Referred to Appropriations.

COMMITTEE REPORTS (Regular Calendar)

HB 1068-FN-A, relative to the Anna Philbrook Center and making an appropriation therefor. Inexpedient to Legislate.

There was a hopeless split of the Committee as to whether this bill should go forward this year. Consequently, after much debate it was decided that failure to act this year would not cause irreparable harm and that inexpedient is the best course. Vote 9-6. Rep. Joe B. Parks for Children, Youth and Elderly Affairs.

Resolution adopted.

(Speaker in the Chair)

HB 1088-FN-A, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides for the establishment of joint programs for the recruitment and training of child care providers by the Division of Public Health Services and the Division of Human Services. Research shows that one of the most significant factors in determining the quality of child care programs is the level of training of the child care provider. The Committee feels that this program will greatly enhance child care in New Hampshire. Vote 12-2. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Purpose. The purpose of this act is to foster the recruitment of child care providers to meet New Hampshire's growing child care needs brought about by efforts at welfare reform and New Hampshire's low unemployment rate; to meet the needs of employers as well as employees; and to ensure that children are cared for in a safe environment. Research shows that one of the most significant factors in determining

the quality of child care programs is the level of training of the child care provider.

2 Program Established.

I. The director of public health services and the director of human services shall jointly establish pilot child care provider recruitment and training programs. Training shall be made available to child care center personnel and family child care providers regarding health and safety, child development, early childhood education, and state child care licensing requirements. A plan shall be developed to provide this training to various regions of the state to assist in meeting their needs for family child care services and child care center staff.

II.(a) Seventy-five percent of the funds appropriated for this program shall be used to contract with local nonprofit organizations concerned with the well-being of children, for the purpose of recruiting and training family day care providers.

(b) Twenty-five percent of the appropriated funds shall be used to provide and train center-based personnel to meet the minimum licensing criteria for child care workers. This training shall be purchased through existing educational programs.

AMENDED ANALYSIS

This bill provides for the establishment of joint programs for the recruitment and training of child care providers by the division of public health services and the division of human services.

It also makes an appropriation of \$100,000 for 1989 biennium for the establishment of the program. As amended, the bill specifies how the appropriation shall be apportioned between local nonprofit organizations which train family day care providers and funding for training of child care workers.

Amendment adopted.

Referred to Appropriations.

HB 861-FN, requiring insurers to notify the labor commissioner and the insurance commissioner when an employer cancels a group health insurance policy. Inexpedient to Legislate.

There was little testimony necessitating the adoption of this bill in this state. It was noted that in many instances, an employer who goes into bankruptcy or has any other kind of immediate calamity, would not be able to give the necessary lead time to the insurer. This would put an unreasonable burden on the insurer, if the insurer had to keep the insurance policy in force for 30 days after notifying the Labor Commissioner and the Insurance Commissioner. The sponsor acknowledged that the bill was initiated because of an incident. Vote 11-2. Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 1192-FN, establishing a task force to study long term care insurance for the elderly. Ought to Pass with Amendment.

House Bill 1192 establishes a task force to study and make recommendations relative to the kinds of long term care insurance which should be available to the elderly in this state. This group is widely representative of the providers of long term care and the health insurance in New Hampshire. Vote 14-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Task Force Established.

I. There is hereby established a task force to study long term care insurance for the elderly. The members of the task force shall include the following:

(a) Six public members, appointed by the governor of whom one shall be an elderly consumer; one shall represent an elderly organization; one shall represent the nursing home industry; one shall be a home health care provider; one shall represent a residential elderly care facility; and one shall represent health insurance providers.

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) Two members of the senate, appointed by the president of the senate.

(d) The insurance commissioner or designee.

(e) The commissioner of the department of health and human services or designee.

(f) The director of mental health and developmental services or designee.

(g) The director of the division of elderly and adult services or designee.

(h) The director of the division of human services or designee.

II. The appointed general court members shall convene the first meeting of the task force no later than June 30, 1988. The task force shall select one of its members to act as chairman. The department of health and human services shall provide administrative support to the task force, including meeting space, technical assistance, and any other relevant support.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor. Ought to Pass with Amendment.

The primary purpose of this bill is to sharpen and clarify the definitions and requirements for membership in Group II (police and fire), and to limit the conditions under which any job can be reclassified from Group I and Group II. The bill includes a five-year service requirement for grandfathering any person in Group II if the person's job should, for any reason, be reclassified to Group I. (Present law has no service requirement). Also, the bill contains a new and liberalized section on split-benefits; that is what happens when a person retires with both Group I and Group II service credit.

The appropriation is for administrative costs only, and comes from the Retirement System administrative account. The amendment addresses the application of the new grandfather provision and new split-benefits provision to persons who are now members of the Retirement System. Vote 17-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Rep. Hawkins moved that HB 1066 be made a Special Order for Tuesday, February 2, and spoke to his motion.

Adopted.

HB 1193-FN, relative to chiropractic. Ought to Pass with Amendment.

House Bill 1193 passed unanimously in Committee. All individuals affected by this legislation agreed all areas of concern have been addressed to everyone's satisfaction. Vote 17-0. Rep. Catherine Schneiderat for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court finds that the best interests of the public are served by providing for administration of various health-related professional licensure, certification, and registration activities within a single state agency. This consolidation will provide the general public with a central, accessible point for information relative to procedures for licensure, certification, and registration; for information relating to the practices of any board overseeing a health-related profession and occupation; for information on the practices of a health-related profession and occupation; and for the lodging of concerns and complaints related to the practices of such a board. The general court also finds that such consolidation will provide the board and other individuals responsible for the regulation of health-related professions and occupations with efficient and cost effective support by streamlining and standardizing procedures and accounting practices through the appropriate use of computer technology in record keeping activities, and by relieving them of the need to supervise or carry out secretarial and clerical activities.

II. The general court, to implement these findings, vests responsibility for providing consolidated administrative support of licensure, certification, and registration activities of the health-related professions and occupations with the division of public health services, department of health and human services.

III. Therefore, the general court hereby establishes the board of chiropractic examiners which is to be administratively attached to the division of public health services, department of health and human services.

2 New Chapter; Chiropractic. Amend RSA by inserting after chapter 316 the following new chapter:

CHAPTER 316-A CHIROPRACTIC

316-A:1 Definition. The science of chiropractic deals with the analysis of any interference with normal nerve transmission and expression, the procedure preparatory to, and complementary to the correction thereof, by an adjustment of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regiment and rehabilitation of the patient using the procedures which are currently taught in accredited chiropractic colleges at the time of matriculation without the use of drugs, surgery, or colonic irrigation. The term analysis is construed to include physical examination, the use of x-ray and other analytical instruments generally used in the practice of chiropractic.

316-A:2 Board.

I. There shall be a board of chiropractic examiners consisting of 5 members; including 4 chiropractors, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years; except that 2 members of the initial board shall be appointed to a 2 year term; 2 members of the initial board shall be appointed to a 4 year term; and one member of the initial board shall be appointed to a 5 year term. No member of the board shall be appointed to more than 2

consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Board members who are chiropractors shall be graduates of some resident school or college of chiropractic and shall have resided and practiced in this state for at least one year.

III. The public member of the board shall be a person who is not, and never was, a member of the chiropractic profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of chiropractic services or an activity directly related to chiropractic, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

IV. The board of chiropractic examiners shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services, division of public health services.

316-A:3 Rulemaking Authority and Practices. The board, with the approval of the director of public health services, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Minimum education and experience requirements for licensure to protect the public health or safety. Such requirements shall not include references to general business skills.

II. Written competency examinations, if appropriate. Such examinations shall be nationally recognized standardized tests whenever possible.

III. A written examination on New Hampshire law relevant to the occupation or profession. Such examinations shall be reviewed by the department of justice before use.

IV. Procedures for oral examinations and interviews, if appropriate. Such rules shall include a listing of permissible areas of inquiry and a statement of the means by which the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or commission for a period of not less than 90 days.

V. Procedures for practical examinations, if appropriate. Such rules shall provide that at least 2 experienced practitioners shall observe and pass on any practical examination.

VI. References from other practitioners of the occupation or profession, if appropriate. References may only be solicited from practitioners who have actual knowledge of the applicant's competence gained in a supervisory capacity.

VII. Requirements that applicants be of good character. Such character requirements shall be limited to matters directly related to the ability of the applicant to perform the functions of the occupation or profession.

VIII. Methods and procedures by which licensees shall inform the public of their right to complain to the board regarding the conduct of other licensees. Such methods may include posted notices, notices on bills, or other appropriate methods.

IX. Methods for informing the board of complaints made against licensees in other forums such as professional and business organizations and the courts. Such methods shall include a requirement that licensees disclose such complaints on license renewal forms. Failure to disclose shall be cause to revoke the license.

X. Methods for investigating complaints and for conciliation where appropriate.

XI. Hearing procedures in accordance with RSA 541-A.

XII. Methods for informing the public of the results of disciplinary actions. These methods shall ensure that information on disciplinary actions is made available to consumers.

XIII. The type and severity of offense which warrants an official warning and the effect of such warning on penalties for subsequent offenses.

XIV. Methods to ensure that licensees maintain minimum competency to protect public health or safety. Such methods may include continuing education, re-testing, peer review, or other appropriate procedures. If continuing education is required, it shall be reasonable and shall reflect the rate of legal and technological change within the occupation or profession. Courses on general business practices shall not be required or permitted as continuing education.

XV. Methods for ensuring compliance with continuing education requirements and for evaluating continuing education courses, if appropriate.

XVI. An ethics code for board members and employees. This code shall include at least the following provisions:

(a) No board member shall participate in any action related to the issuance of a license or disciplinary matter involving himself or a person with whom he is personally or professionally associated.

(b) No board member shall serve as an officer of a professional association which represents practitioners of any occupation or profession under the jurisdiction of the board.

XVII. Fees under RSA 316-A:5.

XVIII. Methods for ensuring appropriate display of licenses, including, but not limited to, signs and other forms of advertising.

316-A:4 Powers and Duties of Director. The director of the division of public health services, department of health and human services, shall:

I. Monitor the rulemaking activity of the board under RSA 316-A:3 to ensure that all rules adopted are:

(a) Consistent with the provisions of RSA 541-A;

(b) Consistent with the specific statutory authority under which they are adopted;

(c) Consistent with other statutes; and

(d) Consistent with rules adopted by the division of public health services or any other board, commission, or agency.

II. If the director determines that a rule proposed for adoption is not consistent with the criteria established in paragraph I of this section, he shall notify the board in writing. If the board does not take corrective action, he shall notify in writing the joint committee on administrative rules, the senate executive departments committee, and the house executive departments and administration committee for further corrective oversight action.

316-A:5 Fees. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice chiropractic, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

316-A:6 Holding Office Beyond Term. The members of the board of chiropractic examiners shall each hold office until his successor is duly appointed and qualified.

316-A:7 Organization; Meetings. The board shall elect a chairman and a secretary-treasurer. The board shall meet quarterly and at such other times as the business of the board shall require.

316-A:8 Income. All income received by the board shall be accounted for and paid to the state treasurer annually at such time as he shall prescribe.

316-A:9 Compensation. The members of the board shall receive \$20 each, for every day actually spent in the discharge of their duties, and their necessary expenses; provided that the amounts so paid shall not exceed the amount received by the treasurer from the board.

316-A:10 Report. The secretary-treasurer shall file with the governor and council biennially and in such form as the governor and council may prescribe, such information as is necessary to maintain in the division of public health services, department of health and human

services, a current record of rules of the board of chiropractic examiners affecting the issuance of licenses.

316-A:11 Fees; Qualifications.

I. Each applicant shall pay to the secretary-treasurer a fee, established by the board, for which he shall be entitled to an examination and to a reexamination, if necessary, within one year.

II. The applicant shall:

(a) Have graduated from a degree granting chiropractic college which is accredited by an established chiropractic accrediting body, approved by the United States Department of Education; or

(b) Have completed a chiropractic program at a chiropractic institution accredited by a regional accrediting agency approved by the United States Department of Education.

316-A:12 Further Requirements. Notwithstanding educational requirements provided for in RSA 316-A:11, any applicant for license to practice chiropractic who matriculated in a chiropractic school or college between January 1, 1951, and January 1, 1968, shall be a graduate of a legally chartered or incorporated school of chiropractic requiring for graduation completion of a course of study of not less than 3,600 classroom hours in 4 academic years; and any applicant for a license to practice chiropractic who matriculated in a chiropractic school or college after January 1, 1968, shall be a graduate of a legally chartered or incorporated school of chiropractic requiring for graduation completion of a course of study of not less than 4,000 classroom hours in 4 academic years.

316-A:13 Examinations.

I. The board shall give a written examination in the following subjects: Anatomy, physiology, symptomatology, hygiene, chiropractic orthopedy, histology, pathology, chiropractic x-ray procedures and analysis, neurology, bacteriology, and chemistry, and the principles of chiropractic adjusting and nerve tracing. The examination shall address the basic professional standards of chiropractic relating only to the determination of and adjustment of vertebral misalignments (subluxations) of the spine and specifically excluding treatments using ancillary techniques and modalities including, but not limited to, heat, water, and the like.

II. This section shall not be superseded by administrative rulemaking.

316-A:14 Licenses and Certificates. Each applicant who qualifies and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire.

316-A:15 Effect. Any chiropractor who has received and holds a certificate or license issued by the board may practice chiropractic as defined in RSA 316-A:1 but shall not prescribe for, or administer to, any person any medicine or drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics or any branch of medicine or osteopathy.

316-A:16 Without Examination. Any chiropractor practicing during 6 months prior to April 14, 1921, who is a graduate of some school or college of chiropractic which teaches a 3-year resident course, shall be granted a license as a chiropractor by said board, upon presentation of satisfactory evidence of his qualification under this section, and the payment of a fee of \$15.

316-A:17 National Examination; Examination Requirements. The board shall require that all applicants pass parts 1 and 2 and the written clinical competency examinations of the national examination given by the National Board of Chiropractic Examiners. Applicants having passed the national examinations shall be exempt from taking a written examination and, provided he meets all other qualifications and requirements of this chapter, shall be registered and granted a license by the state board

upon payment of the required fee and presentation of satisfactory proof that he has passed the parts of such national examination.

316-A:18 Applicants From Other States. The board may license any applicant who is licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state.

316-A:19 Expiration of Licenses. All licenses and renewals issued under the provisions of this chapter shall expire on July 1 in each odd numbered year.

316-A:20 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of the fee established by the board. Each applicant shall submit satisfactory evidence of continuing education by annually attending at least one seminar approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why his license should not be suspended. The requirement of educational seminars shall apply to chiropractors practicing in this state.

316-A:21 Inactive List. A chiropractor licensed under this chapter, and who is a resident of this state, who does not intend to engage in the practice of his profession, upon written request to the board, may have his name transferred to an inactive list and shall not be required to renew his license biennially or pay any renewal fee as long as he remains inactive. Any chiropractor whose name has been included in the inactive list as provided in this section shall be restored to active status by the board upon the filing of a written request with the board, accompanied by the required renewal fee, and after satisfactorily passing a competency test to be administered by the board.

316-A:22 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter;

(g) Willful or repeated violation of the provisions of this chapter; or

(h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation or restriction of license for a period of up to 5 years;

(c) By revocation of license; or

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient.

IV. No civil action shall be maintained against the board or any member thereof, or its agents, employees or against any organization or its members, including, but not limited to, any member of a professional standards review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section; provided that such statement, report, communication, or determination is made in good faith.

V. The board may informally dispose of any complaint by stipulation, agreed settlement, consent order or default. The board may hold preliminary hearings to facilitate the informal disposition of complaints which, during the preliminary hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. All such investigations and preliminary hearings shall be confidential and exempt from the provisions of RSA 91-A; provided that the board shall make public any action taken under RSA 316-A:22, III resulting from a preliminary hearing or investigation.

VI. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board. Such hearing shall be an open public hearing; provided, however, that the board shall hear the testimony of any witness who is under 18 years of age at the time of his testimony in camera unless good cause is shown by the person complained against. A transcript of any testimony taken in camera shall be made available to the public, but the name and any identifying characteristics of the witness shall be deleted from the transcript.

316-A:23 Notice and Hearing Procedure. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

316-A:24 Duties. Practitioners of chiropractic shall be subject to the provisions of the law relating to contagious and infectious diseases and to the granting of certificates of deaths, as physicians are.

316-A:25 Penalties. Whoever, not being licensed as provided in this chapter, shall advertise himself or in any way hold himself out as qualified to practice chiropractic, or shall practice chiropractic, or whoever does so after receiving notice that his license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call himself, or allow himself to be advertised or called a physician or a doctor, or use any physician's or doctor's insignia as such, except "Doctor (name of chiropractor), chiropractor", shall be guilty of a misdemeanor and, upon conviction, shall, if licensed, have his license revoked.

316-A:26 Proceedings of Chiropractic Review Committee. All proceedings, records, findings and deliberations of chiropractic review committees duly established by the New Hampshire Chiropractic Association or the New Hampshire Straight Chiropractic Society are confidential and privileged and shall not be used or available for use or subject to process in any other proceeding. The manner in which the chiropractic

review committee and each member thereof deliberates, decides or votes on any matter submitted to it is likewise confidential and privileged and shall not be the subject of inquiry in any other proceeding.

3 Determination by Director of the Division of Public Health Services. The director of the division of public health services, department of health and human services, may determine, not less than 2 years after the effective date of this act, that the board of chiropractic examiners requires more autonomy, in which case he shall submit appropriate legislation to the general court.

4 Transition. Chiropractor licenses issued pursuant to former RSA 316 shall be given full force and effect until the board of chiropractic examiners established under this act is in operation.

5 Repeal. RSA 316, relative to chiropractic, is repealed.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a board of chiropractic examiners and makes it administratively attached to the division of public health services, department of health and human services. The bill specifies the qualifications necessary to practice chiropractic.

The bill allows the board of chiropractic examiners to hold preliminary hearings to informally dispose of certain unwarranted complaints. Any complaint not resolved in a preliminary hearing shall be heard formally.

The bill lists in detail the subjects for examinations given by the board.

The bill repeals the old chapter on chiropractic.

Amendment adopted.

Referred to Appropriations.

HB 855-FN, relative to timber sales on fish and game department land. Ought to Pass with Amendment.

House Bill 855 establishes a dedicated fund within the Fish and Game Department for income received from timber sales on Fish and Game land. Money from the fund will be put back into the land for the purpose of game management and may include improving wildlife habitat and the purchasing of more land important to game habitat. Vote 13-0. Rep. Charles H. Felch, Sr., for Fish and Game.

Amendment

Amend RSA 206:42, II as inserted by section 1 of the bill by replacing it with the following:

II. The funds collected under this authority shall be used exclusively for game management purposes, including the purchase of additional game management lands, and shall be expended for these purposes as determined by the executive director.

Amendment adopted.

Referred to Appropriations.

HB 1080-FN-A, relative to nongame species and making a continuing appropriation therefor. Ought to Pass with Amendment.

This bill will provide the funding for the Fish and Game Department to use its expertise to preserve the habitat and ecology necessary for the preservation of nongame species. Vote 15-2. Rep. William P. Boucher for Fish and Game.

Amendment

Amend RSA 212-B:4 as inserted by section 1 of the bill to read as follows:

212-B:4 Adoption of Rules. The executive director may adopt rules under RSA 541-A regulating the taking, possession, and handling of nongame species. Such authority shall extend to rules for the enhancement, protection, and propagation of nongame species.

Amend RSA 212-B:5 as inserted by section 1 of the bill by replacing it with the following:

212-B:5 Conservation Programs.

I. The executive director shall develop and implement a comprehensive nongame species management program that may include, but not be limited to:

- (a) education of the public regarding New Hampshire's nongame resources;
- (b) research to determine the populations, distribution, future trends, and needs of nongame species; and
- (c) management measures to maintain and promote the health of self-sustaining nongame populations.

II. The executive director may establish such programs, including acquisition of land or aquatic habitat or interests therein, as are deemed necessary for the conservation of nongame species.

III. In carrying out the programs authorized by this section, the executive director may consult with other states having a common interest in particular nongame species and may enter into agreements with federal or other state agencies, other states, political subdivisions of this state, or private corporations, organizations, or persons with respect to programs designed to conserve nongame species, including, where appropriate, agreements for administration and management.

Amend RSA 212-B:6, I as inserted by section 1 of the bill to read as follows:

212-B:6 Fund Established.

I. The state treasurer shall establish a separate nonlapsing account within the fish and game fund to be known as the nongame species account to which moneys obtained by the fish and game department shall be applied, including any federal moneys which become available under the federal nongame act, any state funds appropriated, and all donations received under paragraph II. The moneys in this account shall be used exclusively for the development and implementation of a comprehensive nongame species management program. No moneys shall be expended for nongame management except from this dedicated fund.

Amend original section 3 of the bill by renumbering it to read as 2.

AMENDED ANALYSIS

This bill establishes a nongame species management act.

Nongame species means all wildlife in the animal kingdom except those listed as furbearing animals, game animals, game birds, small game, unprotected birds, and fish and marine species which are regulated under fish and game laws.

A continuing appropriation is made for each year from the general fund in an amount equal to the value of certain free licenses issued during the previous calendar year.

This bill, as amended, prohibits any expenditure of funds for the nongame management program except from the dedicated fund established in this bill.

Amendment adopted.

Referred to Appropriations.

HB 858-FN, relative to fetal alcohol syndrome. Ought to Pass with Amendment.

The New Hampshire Department of Public Health already has an excellent article that describes the dangers of use of alcoholic beverages during pregnancy. This bill mandates that couples be given this or a similar form when they apply to their city or town clerk for a marriage license. This is the commonest known preventable birth defect and can seriously handicap the child. The bill was enthusiastically supported by the March of Dimes which campaigns to reduce the frequency of birth defects. The Office of Alcohol and Drug Abuse gave its enthusiastic support. Vote 16-3. Rep. Robert F. Wilson for Health and Human Services.

Amendment

Amend RSA 457:23, II as inserted by section 2 of the bill by replacing it with the following:

II. In addition to the requirements under paragraph I, no marriage license shall be issued unless it includes an affidavit on which the bride and groom shall sign affirming that they have received the brochure prepared by the division of public health services, department of health and human services, under RSA 132:2, XI. The affidavit required by this paragraph shall state:

AFFIDAVIT

I acknowledge that I have received the brochure entitled _____

Signature of Bride

Date

Signature of Groom

Date

Amendment adopted.

Ordered to third reading.

HB 1021-FN, relative to the treatment and care of inebriates. Ought to Pass with Amendment.

The amendment changes the title to read "relative to the treatment and care of alcohol and/or substance abusers." This is really a sunset bill changing the word "patient" to "client." The Division of Alcohol and Drug Abuse Prevention wants to do the best in care and treatment of the abusers of alcohol and drugs and asked to have only counselors trained to work with these clients. These counselors are approved by the Office of Alcohol and Drug Abuse Prevention and are better qualified to work with these substance abusers. "Alcoholism" is a disease condition due to the uncontrollable use of alcoholic beverages. In the 1940s, when the legislation was first initiated, the term "inebriate" was used. In today's dictionary "inebriate" means an "intoxicated person" or a "habitual drunkard." To bring the term in line with modern days the word "inebriate," once a formal word, is now applied only humorously. It's time to use a term that applies to today's interpretation of the law. There is no fiscal impact by this bill. Vote 17-0. Rep. Alice Tirrell Knight for Health and Human Services.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the treatment and care of alcohol abusers, substance abusers, and alcohol and substance abusers.

Amend RSA 172:8-b, I as inserted by section 4 of the bill by replacing it with the following:

I. The acceptance, care and treatment of alcohol or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

Amendment adopted.

Ordered to third reading.

HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor. Ought to Pass with Amendment.

Enhanced Family Care facilities are for persons with developmental disabilities whose needs are from basic training on up. Presently, the state provides up to \$458 a month per client. A lot more care is needed for these clients, and the provider would be paid according to the severity of the disability. If these clients were not in the Enhanced Family Care facilities, they would be having far more expensive care in state institutions. The amendment cuts the fiscal note in half to \$296,500. Vote 13-5. Rep. Robert M. Gilbreth for Health and Human Services.

Amendment

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriation. The sum of \$296,000 for the biennium ending June 30, 1989, is hereby appropriated to the division of mental health and developmental services, department of health and human services, for the purpose of increasing the rate according to severity of disability for residents of enhanced family care facilities established under RSA 126-A:39. This appropriation is in addition to any other funds appropriated to the division of mental health and developmental services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill increases the rate according to the severity of disability for residents of enhanced family care facilities. The bill, as amended, appropriates \$296,000 for the biennium for the purpose of the bill.

Amendment adopted.

Referred to Appropriations.

HB 1198, relative to work programs for individuals in need of municipal assistance. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill is enabling legislation which provides a municipality the option to utilize or ignore depending on the individual situation. Regions of the state vary greatly in terms of

the "work ethic" so the more measures which are available to the municipalities the better off is the community. There was much discussion as to the rights and legalities, but the majority felt it ought to pass to increase the legal options with which a municipality may deal with the care and protection of its citizens. Vote 10-6. Rep. Katherine D. Foster for the Majority of Health and Human Services.

MINORITY: The minority of the Committee took into account the objections of the New Hampshire Municipal Association and New Hampshire Legal Assistance. Both groups cited RSA 165:1-b which states: "Any person otherwise eligible for assistance under this chapter shall become ineligible to receive such assistance if he wilfully fails to comply with written guidelines adopted by the governing body of the town or city relation to... (b) participation in a work program authorized under this Chapter." No one spoke in favor of this bill besides the sponsor. The minority feels that this is unnecessary legislation and the Revised Statutes Annotated are already on overload. Reps. Lawrence A. Chase, Mary C. Holmes, Robert M. Gilbreth, Mary J. Sullivan and Toni Pappas for the Minority of Health and Human Services.

Ordered to third reading.

HB 956-FN, reenacting the mini Davis-Bacon Act. Ought to Pass. The Committee felt that the Mini Davis-Bacon Act gave better work performance and quality to a project. It requires the Labor Commissioner to set minimum wages to be paid to various classes of employee to contract work in city, town, village, or other civil subdivisions. It requires every contractor, subcontractor, or public body engaged in public works to keep accurate register of all employees. It also has an anti-kickbacks and a penalties section. The applicability of this Chapter shall apply only to the same extent and in the same manner as the Davis-Bacon Act, P.L. 403 of the 74th Congress, as it presently exists or is later amended or otherwise affected by executive order. Vote 6-5. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

Rep. Nichols moved that HB 956 be recommitted to the Committee on Labor, Industrial and Rehabilitative Services, and spoke to her motion. Adopted.

HB 1073-FN, relative to appeal tribunals in unemployment compensation. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: Inexpedient to Legislate supports House position in 1987. It supports the position of the House conferees as reported on the floor in 1987. Vote 7-4. Rep. Calvin Warburton for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: This bill requires the Department of Employment Security to provide 3-member tribunals that include a representative of both employers and employees along with a Department employee. Current law provides for the 3-member tribunal, but following adjournment last Spring, the Commissioner abolished the 3-member panel by executive fiat. HB 1073 will mandate that legislative intent be carried out, and that the 3-member tribunals represent the kind of fairness and due process that is part of our State tradition. Reps. Robert R. Cushing, Frank Reidy, Stanley J. Zajdel and Lawrence J. Guay for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Cushing moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Warburton and Nichols spoke against the motion and yielded to questions.

Rep. Turner spoke against the motion.

Reps. Guay and Hawkins spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 114 NAYS 202

YEAS 114

BELKNAP: Bowler, Hawkins and Maviglio.

CARROLL: Schofield.

CHESHIRE: Blacketor, Cole, Daschbach, Daniel Eaton, Foster, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Guay, Kilbride, Lemire, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Densmore, Guest, Wayne King and LaMott.

HILLSBOROUGH: Baker, Baldizar, Bourque, Buckley, Burkush, Champagne, Cote, Cusson, Donovan, Durant, Dwyer, Dykstra, Nancy Ford, Frank, Gagnon, Scott Green, Gureckis, Marian Harrington, Korcoulis, Kuchinski, Lanzara, Leclerc, Lefebvre, Long, Lozeau, McGlynn, Robert Murphy, O'Rourke, Pappas, Reardon, Ellen-Ann Robinson, Routhier, Soucy, Sullivan, Turgeon and Zajdel.

MERRIMACK: Eleanor Anderson, Beaton, James Chandler, Dunn, Fillion, Gilbreth, Mary Holmes, Burton Knight, Lockwood, Rehlander, Tupper, Wallner and Yeaton.

ROCKINGHAM: Gordon Arnold, Blanchette, Carpenito, Cressy, Cushing, Ellyson, Hynes, Joyce, Lovejoy, McGovern, Pantelakos, Popov, Read, Rosencrantz, Sanderson, Splaine, Vaughn and Weddle.

STRAFFORD: Callaghan, Casey, Dingle, Albert Dionne, Frew, Sandra Keans, Kincaid, Lachance, Laurion, William McCann, Pelley, Spear and Wall.

SULLIVAN: Brodeur, Cutting, D'Amante, McKee and Normandin.

NAYS 202

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Holbrook, Pearson, Lawrence Richardson, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Delano, Doucette, Irvin Gordon, Grodin, Hunt, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Horton, Marsh and Purrington.

GRAFTON: Bean, Bennett, Christy, Driscoll, Hammond, Lougee, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Bass, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaigne, Drolet, Dube, Fields, Granger, Grip, Guilbert, Healy, Holden, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Levesque, Lown, Magee, Mason, Bonnie McCann, McRae, Messier, Moore, Morrisette, Packard, Paquette, Perham, Prestipino, Rodgers, Sallada, Steiner, Stiles, Tarpley, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fraser, George E. Gordon, Gross, Douglas Hall, Hayes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Millard, Nichols, Phelps, Philbrick, Walter Robinson, Gerald Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Haynes, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Schmidtchen, Scott, Seward, Sherburne, Simon, Skinner, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kinney, Koromilas, Martling, Musler, Parks, Proulx, Swope, Ann Torr, Ralph Torr, Wilson and John Young.

SULLIVAN: Behrens, Flint, Ingram, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost. Resolution adopted.

HB 1100, relative to secret monitoring of certain telephone calls. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt the monitoring complained about was necessary normal business legal under Federal law. The operators involved know that it is taking place so it is not secret. The object is improved service. Vote 8-3. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

MINORITY: This bill does not outlaw employers monitoring phone calls, but requires a beep to notify both parties that their phone call is not confidential. It protects the right of privacy for workers and members of the general public. Testimony at the hearing explained the widespread practice of secret monitoring, and a minority of the Committee believes that our laws protecting privacy must keep pace with changing technology, else we lose our liberty and security. Reps. Frank Reidy and Robert R. Cushing for Labor, Industrial and Rehabilitative Services.

Rep. Cushing spoke to the report.

Rep. Maurice MacDonald spoke in favor of the Majority report, and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 210 NAYS 110
YEAS 210

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Holbrook, Pearson, Randall, Lawrence Richardson, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Delano, Doucette, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry, Pierce, Ramsay, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Horton, Marsh, Oleson and Purrington.

GRAFTON: Bean, Bennett, Christy, Driscoll, Hammond, Lougee, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Boutwell, Cid, Cowenhoven, Daigle, Gerard Desrochers, William Desrosiers, Domaingue, Drolet, Clyde Eaton, Fields, Nancy Ford, Granger, Grip, Guilbert, Healy, Holden, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Levesque, Lown, Lozeau, Magee, Mason, Bonnie McCann, McGlynn, McRae, Moore, Morrisette, Robert Murphy, Packard, Pappas, Paquette, Perham, Prestipino, Rodgers, Routhier, Sallada, Soucy, Steiner, Stiles, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Millard, Nichols, Phelps, Philbrick, Rehlander, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Haynes, Hoar, Hynes, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Ritzo, Schmidtchen, Scott, Sherburne, Simon, Skinner, Sytek, Tilton, Vartanian, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Kinney, Koromilas, Martling, Musler, Parks, Proulx, Spear, Swope, Ann Torr, Ralph Torr and Wilson.

SULLIVAN: Behrens, Cutting, Flint, Krueger, McKee, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 110

BELKNAP: Bolduc, Hawkins and Maviglio.

CARROLL: Dickinson and Schofield.

CHESHIRE: Blacketor, Cole, Daschbach, Daniel Eaton, Foster, LaMar, Miller, William Riley and Schwartz.

COOS: Guay, Kilbride, Lemire, Mayhew, Nelson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Copenhagen, Densmore, Guest, Wayne King and LaMott.

HILLSBOROUGH: Ahern, Baker, Baldizar, Lionel Boucher, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Cote, Cox, Cusson, Paul Dionne, Donovan, Dube, Durant, Dwyer, Dykstra, Frank, Gagnon, Scott Green, Gureckis, Marian Harrington, Kuchinski, Kurk, Lanzara, Leclerc, Lefebvre, Long, Messier, O'Rourke, Reardon, Ellen-Ann Robinson, Leonard Smith, Sullivan and Zajdel.

MERRIMACK: Beaton, James Chandler, Dunn, George E. Gordon, Alf Jacobson, Burton Knight, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchette, Carpenito, Cressy, Cushing, Ellyson, Robert Johnson, Joyce, McGovern, Pantelakos, Parr, Popov, Read, Rosencrantz, Sanderson, Seward, Splaine, Vaughn and Weddle.

STRAFFORD: Casey, Dingle, Albert Dionne, Frew, Sandra Keans, Lachance, Laurion, William McCann, Pelley, Wall and John Young.

SULLIVAN: Brodeur, D'Amante, Ingram, Lindblade, Normandin and Sara Townsend, and the Majority report was adopted.
Resolution adopted.

HB 794-A, making capital appropriations and supplemental capital appropriations. Ought to Pass.

This bill authorizes a new 300-bed facility for the State Prison costing \$15,403,000 with appropriate bonding provisions. This authorization is Phase V and completes the State Prison expansion at the Concord site.

The sum of \$50,000 is included for completion of repairs to Marine Division Headquarters Boathouse in Glendale.

The sum of \$200,000 is included to complete the Mount Washington Sewage Disposal Project.

The sum of \$250,000 is included to complete Rye Harbor dredging project of responsibility. Vote 18-0. Rep. Rowland Schmidtchen for Public Works.

Referred to Appropriations.

HB 1000-FN-A, relative to the Christa McAuliffe memorial and making an appropriation therefor. Ought to Pass with Amendment.

The Committee wholeheartedly endorses the recommendation of the McAuliffe Memorial Committee that a planetarium at the Technical Institute campus would be the most appropriate tribute to the state's teacher-astronaut. The amendment substitutes the Memorial Committee's estimate of 2.58 million dollars for the original one dollar appropriation. It also provides that donations to the Planetarium Fund shall be restricted to construction and improvements with operational expenses being the responsibility of the State. Vote 18-0. Rep. James A. Chandler for Public Works.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$2,580,000 for the biennium ending June 30, 1989, is hereby appropriated to the Christa McAuliffe planetarium fund established under RSA 6:13-c for the purposes enumerated in said section. Such appropriation shall be reduced by the amount of funds donated from private and other public sources. This appropriation shall be in addition to any other funds appropriated to the Christa McAuliffe planetarium fund. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Christa McAuliffe Planetarium Fund. Amend RSA 6:13-c to read as follows:

6:13-c Christa McAuliffe Planetarium Fund.

1. There is hereby established in the office of the state treasurer a special fund known as the Christa McAuliffe planetarium fund. The Christa McAuliffe planetarium fund shall be maintained to receive donations and contributions from public and private sources and

shall further be used for the sole purpose of funding the construction [and operation] of the Christa McAuliffe planetarium at the New Hampshire technical institute. Expenditures from the fund shall be authorized by a vote of the joint legislative-executive committee to memorialize Christa McAuliffe. In addition to all other sums appropriated, the committee may utilize a portion of the fund for additional expenses related to the solicitation of contributions and donations to the fund. *This fund shall not exceed \$2,580,000.*

II. Whenever the Christa McAuliffe Planetarium fund receives appropriations or donations and contributions which would cause the fund to exceed \$2,580,000, such appropriations, donations or contributions shall be deposited by the state treasurer into a special account in the fund which shall be used for capital improvements to the planetarium.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, appropriates \$2,580,000 to the Christa McAuliffe planetarium fund. The bill restricts the purposes of the fund to construction of the planetarium. This bill also establishes a \$2,580,000 cap for the fund. When appropriations, donations or contributions to the fund exceed such cap, they shall be deposited by the state treasurer in a special account which shall be used for capital improvements of the planetarium.

Rep. Sallada spoke to the Committee report.

Mr. Speaker and members of this august body. I am Roland Sallada of Hillsborough District 4. I was very pleased to be asked by the Chairman of the Public Works Committee to introduce HB 1000. It pertains to a subject which is very dear to my heart. It is a bill that I sponsored - a bill to build a Planetarium to honor Christa McAuliffe. I sponsored this bill under my name only; however, in spirit practically all of the members of the New Hampshire House of Representatives and Senate are sponsors.

It is ironic and almost prophetic that this bill is before us today - January 28, 1988. This is the second anniversary of the State of New Hampshire's loss of Christa McAuliffe.

Two years ago, on January 28, 1986, our nation witnessed the tragic destruction of the Space Shuttle Challenger after 75 seconds into a flight into space which was to be a First for the education of our school children. Aboard the Challenger on this tragic flight was Christa McAuliffe, a citizen of New Hampshire, a citizen of Concord, New Hampshire, and one of our own New Hampshire teachers -- she was to be the first teacher in space.

Only two years earlier, President Reagan had announced, and I quote, "I am directing NASA to begin a search, a search to choose the first citizen passenger in the history of our Space program, one of America's Finest -- A Teacher." This teacher was Christa McAuliffe, chosen after many rigorous months of tests and going through a grueling training program.

Immediately after the disaster, many suggestions were made to the Governor, the President of the Senate, and the Speaker of the House by people from all over the state on how to best memorialize Christa McAuliffe. The suggestions ranged from naming mountains, naming highways, to placing a statue on the top of Mt. Washington.

The Governor, the President of the Senate, and the Speaker of the House, jointly formed the Legislative/Executive Committee to Memorialize Christa McAuliffe." The Committee was made up of three appointed by the Governor: Attorney General Stephen Merrill; The Governor's Deputy Chief of Staff, David Carney; and a member of the Stephen McAuliffe law firm, Michael Callahan. Appointed by the President of the Senate were Senators

Roger Heath, Susan McLane and Robert Preston. Appointed by the Speaker of the House were Representatives Bruce Rounds, Minority Leader of the House, Mary Chambers and myself. We were charged with receiving all of the suggestions relative to memorializing Christa and making a decision as to the final Memorial.

After carefully considering the almost one hundred serious suggestions, the Committee decided they definitely wanted not a Mountain, not a Highway, not a Statue, but a Living Memorial to Christa, who was a teacher completely dedicated to bringing her students the exciting and inspiring knowledge of outer space as experienced by her. After many, many meetings, the final unanimous decision of the full committee was to build and name a Planetarium in her memory.

We reported back to the Governor, the President of the Senate, and the Speaker of the House as to our decision and asked that the Committee be discharged. The idea of a Planetarium was enthusiastically received. The same Committee was then charged with the implementation of the design and construction, and financing of the whole project.

At that point we formed four Subcommittees: Building Committee: Rep. Rounds, Sen. Preston and Attorney Callahan. Scientific Committee: Sens. McLane and Heath. Finance Committee: Rep. Chambers and David Carney. Legal Committee: Bruce Mohl, representing the Attorney General. I was elected to chair the Full Committee.

After much detailed discussion, and after visiting several sites, the Committee decided that because Concord is the population center of New Hampshire, and incidentally the home of Christa McAuliffe, it seemed only right that it should be the site of the Planetarium. Because the New Hampshire Technical Institute is in Concord and there is ample space on its campus and also great visibility from I-93, the Committee chose the Institute as the final site. We didn't know this at the time, but if you visit the cemetery where Christa is buried you can look right down across the turnpike to the Planetarium site.

Our next order of business was to choose an architect, not an easy chore. The Public Works Department, and in particular Mr. David Soper, supplied us with a list of New Hampshire architects. We interviewed them all -- chose five to enter a design contest -- the winner was the firm of Lavallee Brensinger of Manchester, New Hampshire.

During deliberations the full Committee made two very important decisions. (1) that the Planetarium shall be educationally oriented, and (2) it shall be a State of the Art installation which can be updated as technology changes.

After many meetings of the full Committee and after visiting active planetaria to assist us in deciding the type of planetarium we wanted to see installed, the Scientific Committee visited two installations. (1) a Digitalized Projection System, and (2) an Optical Mechanical System. It was decided that the Digitalized System would be used because it can be reprogrammed as technology changes.

We have the final rough drafts from the architects of their plans. They will be on display in the ante room and I will be very happy to answer any questions relative to the design - after session.

HB 1000, with amendment, passed the Public Works Committee with their enthusiastic unanimous support 18-0. The Public Works amendment printed in Record No. 13, page 782, in essence says that any funds received from donations which will be actively sought by the Finance Committee which are over and above the 2.58 million will be placed in a special fund held by the State Treasurer to be used only for Capital Expenditure for the Planetarium.

All of us on the Committee are very proud to have served the State of New Hampshire by working for these past two years toward the goal to help Christa "Touch the Future."

In closing, I would like to quote from Robert T. Hohler's book "I Touch The Future." In Robert Hohler's words "Christa had asked nothing more than to be an ordinary person on an extraordinary mission."

Mr. Speaker. At this time I would ask that when we vote on this bill it be on roll call in order to give everyone the opportunity to be recorded as to their support of the Memorial to Christa McAuliffe.

And now, Mr. Speaker, if I may, I would like to relinquish my time to Rep. Jacquelyn Domaingue -- she wished to say a few words in support of the Christa McAuliffe Memorial.

Rep. Domaingue spoke to the Committee report.

Sharon Christa McAuliffe had a unique way of touching the lives she came in contact with, whether in person, or through the media. It was her belief that students could be motivated to reach "one step beyond" their expected capabilities. Her message of reaching "just a little bit further" was communicated well beyond those students, as she trained to be the nation's first "teacher in space." It was a message that touched me personally, a message I reflected on as I considered running for the New Hampshire Legislature in 1986. Many factors entered into my decision, but the determining factor was the echo of a voice I had heard, encouraging each of us to reach "one step beyond" what we thought we could accomplish...encouraging us to achieve more than what was simply acknowledged as "possible." I filed my candidacy for State Representative, and will continue to "reach beyond" in my capacity as a member of the New Hampshire House of Representatives.

It is my sincere belief that the Christa McAuliffe Memorial Planetarium will succeed in furthering the example of reaching "one step beyond" by challenging the curiosity of the young minds who will visit there.

The planetarium reaches out to those children, generating an enthusiasm for the continuing process of exploration. It is a most fitting memorial...and perhaps the best way we can fulfill the dream of a young Concord, New Hampshire school teacher: Christa's dream of one day "getting back to the classroom, to all her students."

"Space exploration (Christa) is not just for astronauts, but it is in the future of every child. If we do not prepare our kids for the future, we are not doing our job as teachers."

The McAuliffe Memorial Planetarium will help continue that effort to prepare our young people for the future. Let us begin this journey together. Let us now go one step beyond what we know is possible, and pass HB 1000 unanimously.

Rep. Phelps moved that the remarks of Reps. Sallada and Domaingue be printed in the Journal.

Adopted.

Amendment adopted.

Unanimously adopted by a rising vote.

Referred to Appropriations.

(Rep. Ramsay in the Chair)

HB 796-FN-A, relative to a study of highways and bridges in Sullivan county between I-89 and I-91 and making an appropriation therefor. Refer for Interim Study.

While this may be a worthwhile appropriation, the Committee felt that not enough local and regional groundwork had been done at this time and interim study is the proper place for this bill. Vote 12-3.
Rep. Gene G. Chandler for Public Works.

Report adopted.

HB 788-FN-A, relative to computing the rate of the normal yield tax. Inexpedient to Legislate.

This legislation has been addressed through Administrative Rules and is not necessary at this time. Vote 7-5. Rep. Kathleen W. Ward for Ways and Means.

Resolution adopted.

HB 1035-FN-A, imposing a 4 percent tax on income to fund the catastrophic illness program fund and provide insurance coverage for low income residents; and making an appropriation therefor. Inexpedient to Legislate.

Only three people testified on this bill and there was little support in either the testimony or the Committee for an income tax. The Committee believes that the social policy issues in this bill are before the Committee on Commerce, Small Business and Consumer Affairs in HB 1116 and HB 1192. Vote 17-0. Rep. Marian R. Harrington for Ways and Means.

Resolution adopted.

HB 1110-FN-A, relative to telephone and telegraph company taxes. Refer for Interim Study.

The Committee thought that this subject matter should go to Interim Study in order that the whole subject of the taxing of the telecommunications industry could be fully studied and the taxing thereof be made fair to all. Vote 17-0. Rep. Walter A. Stiles for Ways and Means.

Report adopted.

HB 1113-FN, relative to taxing the sale of real estate owned by nonprofit organizations, and providing a right of first refusal for cities and towns in the sale of open space land. Refer for Interim Study.

The Committee felt that the second part of this legislation, the sale of open space land, should be studied in relationship to the Current Use Law and the tax exempt status of both in and out of state ownership by nonprofit entities. Vote 16-1. Rep. Kathleen W. Ward for Ways and Means.

Report adopted.

(Speaker in the Chair)

HB 811-FN-A, relative to preventative services for certain adults and making an appropriation therefor. Ought to Pass with Amendment. The Committee recognizes Alzheimer's disease is an affliction that results in great financial hardship for the victim's spouse. The Committee also finds that extensive planning will be needed to implement measures to ease the financial problems. The task force created by this bill will facilitate gathering the information necessary to address these problems. Therefore, the Committee strongly supports the creation of the task force. Vote 14-0. Rep. Ann J. Bourque for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The legislature recognizes that many New Hampshire citizens suffer from Alzheimer's disease or related illnesses and disorders. These long term illnesses often result in great financial hardship for the victim and his or her family, especially the victim's spouse. The legislature finds that extensive planning will be needed to implement measures to ease these financial problems. However, accurate and complete information and data about these financial problems are not yet available. Therefore, the legislature resolves to create a task force to gather, compile, and study this information and make recommendations for appropriate legislation in the 1989 legislative session.

2 Task Force Established.

I. there is hereby established a task force to study the issue of spousal impoverishment of victims who have been diagnosed as having Alzheimer's disease or a related disorder. The members of the task force shall include the following:

(a) One member of the house of representatives from the committee on children, youth and elderly affairs, appointed by the speaker of the house.

(b) One member of the senate from the public institutions, health and human services committee appointed by the president of the senate.

(c) The director of the division of elderly and adult services, department of health and human services or his designee.

(d) The administrator of the office of medical services, division of human services, department of health and human services.

(e) The alzheimer's coordinator, division of elderly and adult services, department of health and human services.

(f) One public member appointed by the governor.

(g) The chairperson from the joint legislative committee on elderly affairs.

(h) One person whose spouse has been diagnosed as having Alzheimer's disease or a related disorder, appointed by the governor.

(i) One attorney from New Hampshire Legal Assistance.

II. The chairperson from the joint committee on elderly affairs shall act as chairman for the task force and shall call a meeting on or before June 30, 1988. The division of elderly and adult services shall provide administrative support to the task force including meeting space, technical assistance, and any other relevant support.

3 Duties. The primary duty of the task force shall be to gather relevant information and study the issue of spousal impoverishment due to one spouse having been diagnosed as having Alzheimer's disease or a related disorder.

4 Report. The task force shall report its findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than December 1, 1988, with the proposed legislation for the 1989 legislative session.

5 Compensation. The members of the task force shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the task force.

6 Appropriation. The sum of \$4,000 is hereby appropriated to the task force established in section 2 of this act for the biennium ending June 30, 1989. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a task force to gather information and study the issue of spousal impoverishment of victims who have been diagnosed as having Alzheimer's disease or a related disorder.

The task force shall submit its findings together with its recommendations to the speaker of the house, the president of the senate and the governor no later than December 1, 1988.

The bill appropriates \$4,000 to the task force to carry out the purposes of this bill.

Rep. Robert Jones spoke to the report.

Amendment adopted.

Referred to Appropriations.

HB 1112-FN-A, relative to the Head Start program and making an appropriation therefor. Ought to Pass.

The Head Start Program is a comprehensive pre-school program for low-income and handicapped three, four and five-year olds, who receive educational, health, social and nutritional services. Studies have shown that programs such as Head Start lead to measurably improved performance in later years. The funds requested would be used for transportation of the children and for salary upgrade of the Head Start personnel. The Committee highly endorses this program. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 979-FN-A, establishing a fact-finding board to review medical claims and making an appropriation therefor. Inexpedient to Legislate.

This bill has good intent, however, the Committee felt it was a bit premature due to the new structure in the Board of Medicine and a pilot program in the judiciary system. Vote 12-1. Rep. Ann M. Torr for Executive Departments and Administration.

Rep. Hawkins moved that HB 979 be Referred for Interim Study and spoke to his motion.

Reps. Alf Jacobson and Douglas Hall spoke in favor of the motion. Adopted.

The Speaker referred HB 979 to the Committee on Judiciary.

HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system. Ought to Pass with Amendment.

House Bill 574, as amended, allows Safety Services to petition the Coast Guard to take over the administration of the bow numbering system now used in New Hampshire tidal waters (RSA 270-C).

Currently, New Hampshire is the only state in the continental United States which does not control its own Coast Guard numbering system. Furthermore, the Coast Guard intends to terminate the program. Under New Hampshire control, it is expected that the application time for a bow number will be shortened from thirty days to a few minutes. Vote 11-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to registering and the numbering
of boats operating on state waters.

Amend the bill by replacing all after the enacting clause with the following:

1 Registration Numbers. RSA 270:15 is repealed and reenacted to read as follows:

270:15 Registration Numbers; Certificates. Each boat registered by the director of the division of motor vehicles shall be given a distinguishing number. The commissioner of safety shall, by rule adopted pursuant to RSA 541-A, determine the method for attaching the distinguishing number to the boat. The director shall issue to the boat owner a certificate that the boat has been legally registered. The certificate shall at all times be kept upon the boat while in operation, and upon request shall be open to examination by any duly authorized representative of the department of safety.

2 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, requires the director of the division of motor vehicles to issue a distinguishing number for each boat registered in the state.

The number may conform to the federal numbering system authorized under RSA 270-C.

Rep. Dickinson yielded to question and yielded to Rep. Albert Dionne who yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 1183-FN-A, increasing the amount of the contribution to municipalities from the general fund by 20 percent for fiscal year 1989, and making an appropriation therefor. Inexpedient to Legislate.

This bill appropriated an additional \$10 million for municipalities for FY 1989. However, neither the sponsor nor any other person appeared in support of this bill. The Committee feels that it has previously responsibly addressed this issue in HB 352, which has passed the House and has been referred to the Appropriations Committee. HB 352 establishes a \$52 million floor for municipal aid and provides for automatic annual adjustments to that amount, based on half the percentage change in state general fund revenues. Vote 15-0. Rep. Robert C. Hayes for Ways and Means.

Rep. Alf Jacobson moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Ward spoke against the motion.

Motion lost.

Resolution adopted.

Rep. Ward presented the Ways and Means Report and yielded to questions.

STATE OF NEW HAMPSHIRE
WAYS AND MEANS COMMITTEE REPORT
TO THE HOUSE OF REPRESENTATIVES

	REVISED FY 1987 LEGISLATIVE ESTIMATE	FY 1987 ACTUAL	FY 1988 LEGISLATIVE ESTIMATE	FY 1988 REVISED WAYS AND MEANS' ESTIMATE
BEER	12,000,000	12,060,373	12,400,000	12,400,000
BOARD AND CARE	16,900,000	15,740,232	15,700,000	16,700,000
BUSINESS PROFITS TAX	141,000,000	150,007,729	143,000,000	170,000,000
ESTATE AND LEGACY TAXES	19,000,000	19,412,541	17,000,000	16,000,000
INSURANCE	33,000,000	33,255,418	34,000,000	36,000,000
INTEREST AND DIVIDENDS TAX	26,700,000	26,732,026	27,600,000	27,600,000
LIQUOR	47,000,000	48,682,346	47,000,000	49,000,000
MEALS AND ROOMS TAXES	69,500,000	69,786,903	76,000,000	77,000,000
PARKS INCOME	5,000,000	5,149,499	5,400,000	5,400,000
DOG RACING	8,000,000	8,239,901	8,190,000	8,190,000
HORSE RACING	820,000	1,179,025	1,010,000	1,010,000
REAL ESTATE TRANSFER TAX	44,000,000	44,768,177	48,000,000	38,000,000
TELEPHONE	8,000,000	8,196,779	8,000,000	9,000,000
CIGARETTE TAX	33,000,000	31,674,111	31,000,000	31,000,000
UTILITIES	6,400,000	6,426,930	6,700,000	6,700,000
OTHER	28,000,000	30,728,228	30,420,000	35,000,000
COURTS	18,000,000	18,288,031	19,900,000	19,900,000
SAVINGS BANK TAX	8,000,000	7,954,294	8,500,000	8,000,000
TOTAL	524,320,000 =====	538,282,543 =====	540,820,000 =====	566,900,000 =====

Rep. Scamman and the Cheshire County Delegation, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 66

honoring Representative Margaret A. Ramsay of Swanzey Center.

WHEREAS, in 1977, Margaret A. Ramsay began the first of her six consecutive terms in the New Hampshire House of Representatives,

WHEREAS, during her distinguished tenure as an esteemed member of America's largest legislative assembly, Margaret A. Ramsay, with integrity and dedication, has served as a member of the Standing Committee on Appropriations, and

WHEREAS, since 1977, Margaret A. Ramsay has been an untiring member of the House Committee of Conference on the State Budget, providing a knowledgeable voice and presence in that vital process, and

WHEREAS, Margaret A. Ramsay freely and generously has given of her time and energies in other important legislative capacities, including as a member of the Fiscal Committee, the Advisory Budget Control Committee, and the State Retirement Reform Committee, and

WHEREAS, Margaret A. Ramsay devoted nine years of her life to primary school education, teaching grade three at Marlborough Elementary School and grade six at Keene Junior High School, and

WHEREAS, Margaret A. Ramsay is a graduate of Keene State College, having earned her bachelor of arts degree in 1956 and her master of arts degree in 1964, later serving as President of the Keene State College Alumni Association, and as a Trustee of the University System of New Hampshire, and

WHEREAS, Margaret A. Ramsay, because of her helpfulness and penchant for getting the job done, has earned the respect, admiration and affection of all who have worked alongside her, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Margaret A. Ramsay, on this occasion of her retirement as an elected legislator, be accorded the highest accolades for her outstanding legislative service, and be it further

RESOLVED, that Margaret A. Ramsay be accorded best wishes for success in her new position as Assistant Director of Continuing Education at Keene State College, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted by a rising vote.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 2 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 769-FN, relative to rulemaking authority for the division of elderly and adult services.

HB 815-FN, relative to the joint committee on elderly affairs.

HB 817-FN, relative to coordinating programs for the elderly.

HB 777-FN, relative to real estate appraisals conducted by banks and other lending institutions for loan applicants.

HB 955-FN, relative to interstate banking.

HB 998-FN, relative to liability of manufacturers.

HB 1144-FN, relative to civil penalties for violations by public utilities.

HB 776, relative to the examination of jurors.

HB 747, relative to the operation of bingo games at agricultural fairs.

HB 798-FN, relative to special function liquor licenses for clubs and special liquor licenses and permits for nonprofit organizations.

HB 983, relative to early betting on thoroughbred racing.

HB 574-FN, relative to registering and the numbering of boats operating on state waters.

HB 890-FN, relative to permits and responsibility for dams.

HB 1192-FN, establishing a task force to study long term care insurance for the elderly.

HB 858-FN, relative to fetal alcohol syndrome.

HB 1021-FN, relative to the treatment and care of alcohol abusers, substance abusers, and alcohol and substance abusers.

HB 1198, relative to work programs for individuals in need of municipal assistance.

UNANIMOUS CONSENT

Rep. Rounds addressed the House by Unanimous Consent.

Reps. Palumbo and Chambers moved that the House adjourn in honor and memory of Christa McAuliffe.

Adopted.

The House adjourned at 3:27 p.m.

HOUSE JOURNAL 8

Tuesday, 2Feb88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Grant us a spirit of boldness, O God, as we seek the Good, the True, and the Just. Save us from being like groundhogs, who see their own shadows, and who hibernate until springtime.

We ask strength and vision this day, for the needs are great, and the tasks are many. Amen.

Rep. Zajdel led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lussier, Joseph Eaton, Malcolm Harrington, McManus, Ann Derosier, Donna Kelly, Lindblade, Elizabeth Greene, Pevear, Cooke, Schwaner, Gilbreth and George Gordon, the day, illness.

Reps. Alukonis, Gosselin, Ruth Gage, Frechette, Coulombe, William Dion, Hatch, Burton Knight, Rodgers, Lozeau, Frew and Shriver, the day, important business.

Rep. Russell Chase, the day, death in the family.

Reps. Wood, Frink, Proulx, Joseph MacDonald, Nagel and Boutwell, the day, illness in the family.

INTRODUCTION OF GUESTS

Mr. and Mrs. Jerry Philbrick, guests of Rep. Philbrick; Peter Pavlidis and Edward Samara, guests of Rep. Korcoulis; Geraldine Marsh, wife of Rep. Marsh; Dorothy MacNeil and Gladys Humphrey, guests of Rep. Austin; Greta Whittemore, wife of Rep. Whittemore; Dana Stranger, guest of Reps. Bolduc and Dexter; Nancy Kazakus and Mrs. Debra Pike, guest of Rep. William Desrosiers; Brenda Holt Mullaney, guest of Rep. Wright.

SENATE MESSAGES CONCURRENCE WITH AMENDMENTS

SB 237-FN, relative to the controlled drug act.

SB 238-FN, relative to bail reform.

SB 239-FN, relative to electronic privacy.

ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 532, allowing real estate firms or brokers to establish interest bearing trust accounts.

The President appointed Sens. Dupont, Torr and St. Jean.

REQUESTS CONCURRENCE

SB 244-FN, making intentional transmission of AIDS a felony.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 244, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 244-FN, making intentional transmission of AIDS a felony.
(Judiciary)

Reps. Palumbo and Chambers moved that the Senate be notified that the House will be ready to meet in Joint Convention at 1:45 p.m. for the purpose of hearing an address by Vice President George Bush.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 923, relative to dredging on great ponds, was removed at the request of Rep. Dingle.

Adopted.

COMMITTEE REPORTS

(Consent Calendar)

HB 813-FN, relative to liens on real property for hazardous waste cleanup costs. Inexpedient to Legislate.

This bill would have removed the state's right to place a first priority on a contaminated residential property. The Committee believes that the unfortunate risks of this contaminated society must be shared and that this bill erodes responsibility. Vote 11-1. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 857, relative to public utility herbicide and pesticide applications near domestic water supplies. Inexpedient to Legislate. House Bill 857 mandates a 200-foot buffer between pesticide use and domestic water supplies. As written, the bill would outlaw most backyard gardens in the state. The law would be almost totally unenforceable because the state would be required to monitor each and every backyard tomato plant to ascertain potential infractions of the law. Vote 12-0. Rep. Merle W. Schotanus for Environment and Agriculture.

HB 881-FN, relative to weights and measures. Ought to Pass. This is a housekeeping measure needed by the Bureau of Weights and Measures for the Department of Agriculture. There was no opposition. Vote 12-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 939-FN, relative to public notice and hearing before a hazardous waste cleanup. Inexpedient to Legislate.

While this bill has some merit, all testimony, except for the sponsor's opposed the bill because it conflicts with existing law. Vote 12-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 989, relative to towed farm implements. Ought to Pass. House Bill 989 exempts farm implements towed behind farm tractors from having safety chains to prevent breakaway. It establishes stringent safety standards by requiring that pins used to connect implements to the drawbar of the tractor conform to standards of the American Society of Agricultural Engineers and requires a safety clip or lock to prevent the hitch pin from jarring free. Vote 12-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 1011-FN, relative to a hazardous waste cleanup settlement policy. Inexpedient to Legislate. It should not be a function of the Division of Waste Management to determine liability in hazardous waste cases. That Division, with the Attorney General's Office, already negotiate settlement agreements. Vote 12-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 1114-FN, relative to methane recovery and recycling of used oil. Inexpedient to Legislate. The content of this bill is covered in HB 862. Vote 12-0. Rep. Elizabeth M. Popov for Environment and Agriculture.

HB 1173-FN, establishing a study committee on current use and open space. Inexpedient to Legislate. The Committee found this bill unnecessary by reason of the fact that a study is already being done by the University of New Hampshire, results of which will be made available for legislative review. Vote 12-0. Rep. Harry E. Flanders for Environment and Agriculture.

HB 1174, relative to the time for levying the land use change tax. Inexpedient to Legislate. Most felt that the bill is unnecessary because the law, as it now stands, seems to be working. Vote 12-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 840, appointing the chief of permitting, division of water supply and pollution control, to the wetlands board. Inexpedient to Legislate.

At the hearing the sponsor testified that the request originating from the Commissioner of Environmental Services had been rescinded and requested appropriate action by the Committee. Vote 14-0. Rep. William F. McCain for Executive Departments and Administration.

HB 749, permitting persons qualified to hunt from motor vehicles to hunt from OHRVs and ATVs. Ought to Pass with Amendment. This bill allows physically disabled persons to hunt from an OHRV in the same manner they can now hunt from an automobile. Vote 11-0. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend RSA 207:7-a as inserted by section 1 of the bill to read as follows:

207:7-a Disabled [Veterans] *Persons*. [The above section] *RSA 207:7* shall not apply to a disabled [veteran or a] person who is suffering from paraplegia or who is suffering from the loss of, or the loss of the use of, both lower extremities and who has obtained a current

license to hunt[,]; provided, however, that such person must first obtain from the *executive* director a special permit entitling [the] said person to hunt while using a motor vehicle, not to include boats with motor attached or aircraft. *For purposes of this section, "motor vehicle" shall include off highway recreational vehicles and all terrain vehicles as defined in RSA 215-A:1.* [, and further provided that no] No loaded firearm, shotgun, or rifle shall be carried or transported with a cartridge [either] in the chamber, magazine, or clip attached to said firearm, shotgun, or rifle[,], while said vehicle is in motion. The *executive* director may issue such a permit upon application in person or upon documentary proof of such disability by a licensed hunter. Such permit [must] *shall* be carried upon the person of the permittee while hunting and shall be produced for inspection upon the demand of any law enforcement officer. Such permit may be revoked for such period as the *executive* director may deem proper upon satisfactory proof that such permittee is an improper person to have such a permit or upon conviction in any court of a violation of this title. Such permit shall expire on December [thirty-first] 31 of each year. [and the] *The executive* director shall charge a fee of \$.50 for such permit or the renewal thereof. Each permittee shall be given one deer seal which [must] *shall* be attached to the deer immediately upon killing. Should the permittee need assistance in the case of a wounded deer, he shall give the seal to the assistant to attach to the deer before moving it to the vehicle for the permittee to tag.

HB 837, closing the clam flats in the towns of Hampton and Seabrook. Inexpedient to Legislate.

House Bill 837, although filed with good intent, does not accomplish what was expected by the sponsor in that closing the clam flats for one year would not improve clamming conditions because after clams are seeded it takes three years for a clam to mature. Vote 14-0. Rep. Charles H. Felch for Fish and Game.

HB 883-FN, relative to resident and nonresident wholesale marine species licenses. Ought to Pass with Amendment.

This Bill will assist the Department of Fish and Game to collect proper landing data and wholesale sales of marine species that have not been reported previously. Vote 14-0. Rep. Albert J. Dionne for Fish and Game.

Amendment

Amend RSA 211:49-aa as inserted by section 1 of the bill by replacing it with the following:

211:49-aa Nonresident Wholesaler License. Any person, firm, or corporation who does not qualify as a resident under RSA 207:1 or RSA 211:43 and who is engaged in a wholesale trade in any marine species, except lobster or crabs, shall first procure a valid license from the executive director to do so in this state. Said license shall entitle the licensee to buy, sell, process, and transport any marine species, except lobster or crabs, in wholesale trade within the state and to ship any marine species, except lobster or crabs, within and outside the state. A separate extra facility license shall be required for each market, store, vehicle or facility where such marine species are bought, transported or sold at wholesale. The fee for an annual license and extra facility licenses shall be equivalent to the price of a nonresident license fee in the state from which the wholesale dealer claims residence. Such license shall be carried in each vehicle and displayed at all facilities.

Amend RSA 211:49-c as inserted by section 2 of the bill by replacing it with the following:

211:49-c Resident Wholesaler License. No person, firm or corporation shall engage in a wholesale trade in any marine species, except lobster or crabs, without first having procured from the executive director a license to do so. Said license shall entitle the licensee to buy, sell, process, and transport any marine species, except lobster or crabs, in wholesale trade within the state and to ship any marine species, except lobster or crabs, within and outside the state. A separate extra facility license shall be required for each market, store, vehicle, or facility where such marine species are bought, transported or sold at wholesale. The fee for an annual license shall be \$25 and \$10 for each extra facility license. Such license shall be carried in each vehicle and displayed at all facilities.

HB 993, relative to the taking of beaver. Ought to Pass.

This bill will assist the Fish and Game Department's authority in removing beaver dams and returning that authority to the landowner or landowners and towns. Vote 11-0. Rep. Herbert R. Drake for Fish and Game.

HB 1165-FN-A, relative to a voluntary AIDS testing and AIDS-negative identification card program and making an appropriation therefor. Inexpedient to Legislate.

The intent of this bill is fine, but is based on misinformation. To have a negative result on an AIDS test is no guarantee that the person is in fact free of the virus. Because of the nature of the variable incubation period for the antibodies to show in a test (anywhere from 3 to 6 months or more) one could be infected and have a negative result. This kind of program would no doubt give some people a false sense of security and also be a source of infection to others. Vote 20-0. Rep. Elmira F. Tilton for Health and Human Services.

HB 781, amending the uniform limited partnership act. Ought to Pass with Amendment.

The Committee voted 16-0 for passage of this bill to clarify and simplify the Uniform Limited Partnership Act already adopted in New Hampshire. The amendment increases the fee for filing service on the Secretary of State for a foreign partnership to \$25 (from \$5), and changes references from the Commissioner of Insurance to the Director of the recently created Office of Securities Regulation. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

amending the uniform limited partnership act and making reference changes in the disclosure of security takeovers act.

Amend the bill by replacing all after section 1 with the following:

2 Reference Addition. Amend RSA 304-B:49, IV to read as follows:

IV. A statement that the secretary of state is appointed the agent of the foreign limited partnership for service of process if no agent has been appointed under paragraph III or, if appointed, the agent's authority has been revoked or if the agent cannot be found or

served with the exercise of reasonable diligence. *Service of process shall be made in the manner provided for service upon foreign corporations under RSA 293-A:119-121;*

3 Amount of Fee Changed. Amend RSA 305-A:7 to read as follows:

305-A:7 On Secretary of State. If service is made on the secretary of state under this chapter, (a) service shall be made by leaving a copy of the process, notice or demand and a fee of \$[5] 25 in the hands or in the office of said secretary; (b) the fee of \$[5] 25 shall be taxed to the plaintiff's costs if he prevails in this suit; (c) the secretary of state shall keep a record of the day and hour of the service of such process; and (d) whenever such service has been made, the secretary of state shall immediately give notice thereof by mail, postage prepaid, to the partnership at its home office as it appears in the records of the secretary of state or to such other person or address as the partnership shall have directed by writing filed in the office of the secretary of state and shall, within 2 days after such service, send in like manner a copy of the process, notice or demand. If any such partnership shall not have registered as required by law, the notice herein required and the copy of the process, notice or demand shall be forwarded to the address furnished by the person in whose behalf such process is served. The certificate of the secretary of state that he has forwarded notice and copies by mail as herein required shall be evidence of the fact of forwarding to the address stated in such certificate and of the time of forwarding.

4 Reference Deletion. Amend RSA 400-A:10, I to read as follows:

I. The commissioner may, within the limits of available funds, appoint or employ and prescribe the duties of such assistants, actuaries, examiners, clerks, and other employees as may be necessary to discharge the duties placed upon the insurance department by RSA title XXXVII [and RSA 421-A].

5 Reference Deletion. Amend RSA 400-A:16, I to read as follows:

I. The commissioner may conduct such investigations in addition to those specifically provided for as he may find necessary in order to promote the efficient administration of the provisions of this title [and RSA 421-A].

6 Definition Added. Amend RSA 421-A:2 by inserting after paragraph I the following new paragraph:

I-a. "Director" means the director of the office of securities regulation.

7 Definition Added. Amend RSA 421-A:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Office" means the office of securities regulation of the state of New Hampshire.

8 Reference Changes. Amend RSA 421-A:8, I to read as follows:

I. No person shall make any untrue statement of a material fact or fail to state any material fact necessary in order to make the statement made, in the light of the circumstances under which they are made, not misleading, nor engage in any fraudulent, deceptive, or manipulative acts or practices, in connection with any tender offer or request or invitation for tenders, or any solicitation of security holders in opposition to or in favor of any such offer, request, or invitation. Fraudulent, deceptive or manipulative acts or practices include without limitation those acts and practices prescribed by rules [and regulations which the commissioner is hereby empowered to promulgate, adopt, amend and rescind as is necessary to carry out the provisions of this chapter] *adopted by the director, pursuant to RSA 541-A, as necessary to carry out the provisions of this chapter.*

9 Reference Changes. Amend RSA 421-A:9, I to read as follows:

I. This chapter shall be administered by the [insurance commissioner] *director* add employees designated by him within the [department] *office*. The [insurance commissioner] is hereby empowered to promulgate, alter, amend or revoke rules and regulations necessary to

carry out the purposes of this chapter] *director may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.*

10 Reference Changes. Amend RSA 421-A:11, I to read as follows:

I. Whenever it appears to the [commissioner] *director* that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter, or any rule *adopted* or order [promulgated or] issued [hereunder] *under it*, the [commissioner] *director* may issue and cause to be served upon any person violating any of the provisions of this chapter, an order requiring the person to cease and desist therefrom; and the [commissioner] *director* may bring an action in a court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this chapter or any rule *adopted* or order [promulgated or issued hereunder] *issued under it*, or he may refer the matter to the attorney general or the county attorney of the appropriate county. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order and may order rescission of any sales or purchases of securities determined to be unlawful under this chapter, or any rule *adopted* or order [promulgated or issued hereunder] *issued under it*. The court may not require the [commissioner] *director* to post a bond.

11 Reference Change. Amend RSA 421-A:11, III to read as follows:

III. Whenever it appears that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter or any rule *adopted* or order [promulgated or issued hereunder] *issued under it*, the offeror, target company or any record or beneficial owner of an equity security of the target company may bring an action in a court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with the chapter or any rule *adopted* or order [promulgated or issued hereunder] *issued under it*. Upon a proper showing, the court may grant a permanent or preliminary injunction or temporary restraining order or may order rescission of any sales, tenders for sale, purchases or tenders for purchase of equity securities determined to be unlawful under this chapter or any [regulation] *rule* or order of the [commissioner] *director*.

12 Reference Changes. Amend RSA 421-A:13, I and II to read as follows:

I. Any person who violates RSA 421-A:3 or any rule [promulgated thereunder] *adopted under it*, or any order of which he has notice, or who willfully violates RSA 421-A:7, 8 or 11 or any rule *adopted* or order [promulgated or] issued thereunder, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned more than 6 years after the alleged violation.

II. The [commissioner] *director* may refer such evidence as is available concerning violations of this chapter or of any rule *adopted* or order [promulgated or] issued hereunder to the attorney general or the county attorney of the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a county attorney, he shall within 90 days file with the [commissioner] *director* a statement concerning any action taken or, if no action has been taken, the reasons therefor.

13 Repetitive Name Changes from "Commissioner" or "Insurance Commissioner" to "Director". Amend the following RSA sections and paragraphs by replacing "commissioner" or "insurance commissioner" with "director": RSA 421-A:3; 421-A:4, X; 421-A:5; 421-A:6; 421-A:8, II and III; 421-A:9, II; 421-A:11, II; and 421-A:12, I and II.

14 Repeal. RSA 421-A:2, I, relative to the definition of "commissioner", is repealed.

15 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes a provision of the uniform limited partnership act relating to amendments to certificates of limited partnership consistent with RSA 304-B:8, which concerns the contents of a certificate of limited partnership by changing references from "partner" to "general partner".

The bill, as amended, clarifies service of process on foreign limited partnerships if the secretary of state is the appointed agent.

The bill, as amended, also raises the fees for service of process on the secretary of state for foreign partnerships.

The bill, as amended, also changes the terms "insurance commissioner" and "department of insurance" to director of the office of securities regulation.

HB 1123-FN, relative to senior justices and to the sentence review division. Ought to Pass.

This is a housekeeping bill which removes the archaic term "Judicial referee" and replaces it with the present more descriptive terms Senior Justices (age 70 retirees) and retired Superior Court Justices (retired under age 70). Vote 12-0. Rep. Robert E. Murphy for Judiciary.

HB 925-FN, establishing a committee to study the feasibility of 10-month legislative sessions, with one session day per week. Inexpedient to Legislate.

The study of the structure of legislative sessions is an ongoing process. House and Senate leadership, House and Senate and Joint Rules Committees, House Legislative Administration and Senate Internal Affairs Committees are all constantly trying to improve, make more accessible, make more responsive and make more efficient annual sessions. In addition, the Senate has passed over to the House, for its consideration, CACR 29 which calls for a return to biennial sessions. Therefore, the Committee unanimously feels that this bill and another study Committee are unnecessary. Vote 11-0. Rep. Vincent J. Palumbo for Legislative Administration.

HB 755, relative to the Goffstown police department. Ought to Pass. House Bill 755 repeals old legislation that has since been replaced by state statutes that take precedence. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

HB 766, relative to utility easements. Ought to Pass with Amendment.

House Bill 766, as amended, exempts the grant of an easement in gross to a public utility from the term "subdivision" for certain purposes, as defined, and does not create any new division of land for any other purpose. Vote 15-0. Rep. Roger C. King for Municipal and County Government.

Amendment

Amend RSA 672:14 as inserted by section 1 of the bill by replacing it with the following:

672:14 Subdivision.

I. "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of

land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

II. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

III. *The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.*

HB 867-FN, relative to bonding authority for the Conway village fire district. Ought to Pass.

This bill removes the requirement of 1987, 341:4 that bonds issued for the Conway Village Fire District be issued at the rate currently under RSA 6-A for state bonds. The original wording omitted the non-lapsing factor as regard to the appropriation, at the request of Bonding Counsel, has been corrected with this bill. Vote 16-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 874, permitting every county attorney to appoint an assistant county attorney. Ought to Pass with Amendment.

Current law allows the County Attorney in certain counties to appoint an assistant County Attorney. This bill, as amended, extends the statutory authority to all counties except Hillsborough County separately. This is enabling legislation and does not mandate the hiring of an assistant County Attorney. Vote 16-0. Rep. Lillian E. Soucy for Municipal and County Government.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Assistant County Attorney Permitted. Amend RSA 7 by inserting after section 33-e the following new section:

7:33-f Assistant County Attorneys Permitted. There may be an assistant county attorney for each of the counties of Belknap, Carroll, Cheshire, Coos, Grafton, Merrimack, Rockingham, Strafford, and Sullivan, who shall assist the county attorney in the discharge of his duties. He shall be appointed by the county attorney with the consent of the superior court and the county commissioners and his term shall run concurrently with that of the county attorney. He shall act under the supervision, direction and control of the county attorney. In the absence of the county attorney he shall perform all the duties of said office.

AMENDED ANALYSIS

This bill, as amended, permits the county attorney in every county to appoint an assistant county attorney, with the consent of the superior court and the county commissioners. Current law permits assistant county attorneys only in Hillsborough, Rockingham, and Carroll counties.

As amended, the bill gives the county commissioners, rather than the county convention, the power to set the salary for assistant county attorneys.

HB 897, relative to annual reports of county officers. Ought to Pass.

This bill eliminates the requirement that the annual county report include a report from the County Physician. The bill also extends the deadline for publication of the county report from two to three months following the close of the county's fiscal year. Vote 16-0. Rep. John S. Barnes for Municipal and County Government.

HB 902, relative to county foresters. Ought to Pass with Amendment. The amended bill informs local government officials that advice and assistance on forestry issues is available to them upon request to Cooperative Extension Service County Foresters. The bill further sets forth the responsibility of the County Foresters in providing such advice and assistance to the local government. Vote 16-0. Rep. Kurt A. Normandin for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; County Extension Foresters; Assistance to Municipalities. Amend RSA 218:5, I(f) to read as follows:

(f) be responsible for the forest management of all state owned woodlands except those areas managed for special purposes. The director shall consult with the directors of all agencies responsible for such areas in regard to forest management. *County extension foresters shall be under the joint direction of the director and the director of cooperative extension services, university system of New Hampshire, and shall, upon the request of any member of a local government body, conservation commission, or local planning board, provide advice and assistance on forestry issues including, but not limited to, current use, urban forestry, shade tree maintenance and other matters within their expertise and training;* and

2 Repeal. RSA 12-A:9, relative to the director, division of resources development, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, specifies that county foresters are under the joint direction of the director, division of forests and lands and the director of cooperative extension services of the university of New Hampshire.

The bill, as amended, requires county foresters to provide advice and assistance on forestry issues to local government officials, conservation commissions, and local planning boards upon request.

HB 1057-FN, relative to notifying property owners of zoning changes. Inexpedient to Legislate.

The Committee voted 15-0 in favor of Inexpedient to Legislate due primarily to the broadness of the legislation and the inability to determine what its provisions entailed. Further, most of the testimony seemed to indicate that municipalities utilizing such provisions might encounter unforeseen legal problems. Rep. Thomas P. Magee for Municipal and County Government.

HB 1130-FN, relative to the cost to counties for performing autopsies. Ought to Pass with Amendment.

This bill establishes a limit of \$300 for the amount counties shall pay for an autopsy. All testimony was favorable. Vote 16-0. Rep. Catherine V. Brungot for Municipal and County Government.

Amendment

Amend the bill by replacing section 2 with the following:

2 Application. The provisions of section 1 of this act shall apply to each autopsy performed by the chief medical examiner or the acting chief medical examiner after June 30, 1989.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill specifies that the current statutory amount of \$300 for performing each autopsy shall be the total cost to a county for the autopsy.

As amended, the bill applies to the cost of each autopsy performed after June 30, 1989.

HB 1170, prohibiting a city or town from enacting a zoning ordinance contrary to Federal Communications Commission Public Notice PRB-1 relative to amateur radio antennas. Inexpedient to Legislate.

This is virtually the same bill which the House considered Inexpedient during the 1987 Session. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 1179, prohibiting a city or town from enacting a zoning ordinance contrary to 47 CFR 25.104 relative to telecommunication devices. Inexpedient to Legislate.

While the Committee voted 17-0 that this bill be Inexpedient to Legislate, at the same time the Committee felt telecommunication devices and local ordinances should be examined. This bill does not do adequate justice to the issue. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 768-FN, relative to the frequency of regional highway conferences. Ought to Pass.

It was determined unanimously that this bill is in the interest of the state. Biannual regional public hearings will accomplish equally well the mission of the Department of Transportation which is to obtain information from the public and to present answers to their concerns regarding regional Highways and Safety Services. Vote 17-0. Rep. Eugene Ritzo for Public Works.

HB 844-FN, relative to free transit through turnpike system toll booths. Inexpedient to Legislate.

This bill is a duplicate of Senate Bill 284 and the Committee felt it was not needed. Vote 16-0. Rep. William K. Kincaid for Public Works.

HB 937-FN, relative to "on premise signs" in certain highway rights-of-way. Refer for Interim Study.

The intent of this bill merits further consideration, however, the bill was poorly drafted. Under the circumstances the Public Works Committee voted 16-0 to refer the bill for further study. Rep. Warren L. Swope for Public Works.

HB 1061-FN, relative to retaining certain state-owned land overlooking Lake Winnisquam. Ought to Pass.

The Committee feels that this is a worthwhile measure and one which drew unanimous support from the Committee. Shorefront land should be protected at Lake Winnisquam and other areas whenever possible. Vote 16-0. Rep. Gene G. Chandler for Public Works.

HB 1081-FN, naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road. Ought to Pass.

This bill is to pay respect to a family that has given much community spirit to the Town of Windham; therefore, this bill is a proper tribute. Vote 16-0. Rep. Maurice J. Levesque for Public Works.

HB 772, providing for the classification of Lake Wentworth. Ought to Pass.

The bill classifies the waters of Lake Wentworth in Wolfeboro as class A waters, long sought by residents of the area. No one appeared in opposition to the bill. Vote 16-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 1034-FN, relative to the sale or transfer of certain property bordering great ponds. Inexpedient to Legislate.

After receiving written and verbal testimony, the Committee agreed the provisions of this bill would impinge on property rights, take away "home rule" regarding planning board rights, and raise a constitutional question of interference with private contracts. Vote 16-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

HB 1006-FN, relative to displacement of low-income residents from residential rental dwellings. Refer for Interim Study.

The Committee has heard considerable testimony about the housing problems caused by gentrification, displacement and other factors. However, none of the bills, including HB 1006, introduced to address these problems were deemed satisfactory by the Committee. The Committee will study these problems over the summer and fall and attempt to come up with legislation for the 1989 session. Vote 10-0. Rep. Judy E. Reardon for State Institutions and Housing.

HB 1132-FN, establishing a task force to study creation of a housing appeals board in the department of employment security. Inexpedient to Legislate.

The Committee felt it would be preferable and less expensive for the Committee to study the issues raised by HB 1132. The Committee has voted to send other legislation to interim study and will work on the issues raised by HB 1132 through that vehicle. Vote 10-0. Rep. Ednapearl F. Parr for State Institutions and Housing.

HB 1152-FN, changing the name of the Laconia state school and training center. Ought to Pass.

The Laconia State School which had a population of 1200 patients in the 1970s will have a population of about 100 at the end of the current biennium. This has made buildings and land available for other state agencies and for other governmental purposes in that a variety of services will be provided by others on this site. A new name is desirable for the buildings and grounds which once comprised the Laconia State School. This shall be known as The New Hampshire Community Service Center. The remaining facilities to be occupied by the Laconia State School will have the name of Laconia Developmental Services. Vote 10-0. Rep. Ednapearl F. Parr for State Institutions and Housing.

HB 1172-FN, creating an eviction protection act. Inexpedient to Legislate.

The Committee felt the concept of this bill has some merit and can be studied in another bill dealing with residential displacement that has been referred for interim study. Vote 10-0. Rep. Irene M. Messier for State Institutions and Housing.

The Speaker called for the Special Order.

HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor. Ought to Pass with Amendment.

The primary purpose of this bill is to sharpen and clarify the definitions and requirements for membership in Group II (police and fire), and to limit the conditions under which any job can be reclassified from Group I and Group II. The bill includes a five-year service requirement for grandfathering any person in Group II if the person's job should, for any reason, be reclassified to Group I. (Present law has no service requirement). Also, the bill contains a new and liberalized section on split-benefits; that is what happens when a person retires with both Group I and Group II service credit.

The appropriation is for administrative costs only, and comes from the Retirement System administrative account. The amendment addresses the application of the new grandfather provision and new split-benefits provision to persons who are now members of the Retirement System. Vote 17-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 8 with the following:

8 Application.

I. A period of one year after the effective date of this act shall be allowed for certification of all group II jobs by the director of personnel or by the local governing body as provided in RSA 100-A:1, VII and VIII as amended by this act. It shall be the duty of the employer in each case to notify the retirement system when jobs are so certified. Any group II job not so certified on July 1, 1989, shall cease to be classified as a group II job. Except as provided in paragraph II, such job shall be reclassified to group I, and any person holding such job shall be transferred to group I as of July 1, 1989, unless such person qualifies to remain a group II member under RSA 100-A:3, II-c as inserted by this act.

II. If any group II job ceases to be classified as a group II job as provided in paragraph I, and the employer is a political subdivision that has not elected under RSA 100-A:20, I to have its employees participate as group I members in the New Hampshire retirement system, and the person holding the job does not qualify under RSA 100-A:3, II(c) to remain a group II member, then such person shall cease to be a member of the retirement system as of July 1, 1989. Upon application by such person or the employer, if the person does not apply for return of accumulated contributions under RSA 100-A:11, the total amount of accumulated employee contributions and employer contributions on account of such person for the period of group II service in the job no longer classified in group II shall be paid over to the benefit of such person in a qualified retirement plan in which employees of the subdivision participate.

III. The provisions of RSA 100-A:3, II-c as inserted by this act shall apply to any person whose job is reclassified from group II to group I after the effective date of this act, as of the date of such reclassification, irrespective of the date of hire. Any person who qualifies under RSA 100-A:3, II-c as a group II member as of the effective date of this act shall continue to so qualify, irrespective of length of service.

IV. The provisions of RSA 100-A:19-a through 19-h as inserted by this act shall apply prospectively to persons retired after the effective date of this act.

V. Notwithstanding the provisions of paragraph IV of this section, any person who was a member of the New Hampshire retirement system on June 30, 1988, may elect upon retirement to receive the portion of benefits attributable to creditable service rendered before July 1, 1988, according to the provisions of RSA 100-A that were in effect on June 30, 1988. In case of such election, the average final compensation shall be as defined in RSA 100-A:1, XVIII, computed on the basis of the entire period of service.

AMENDED ANALYSIS

This bill is primarily concerned with who may qualify for membership in group II of the New Hampshire retirement system. The bill redefines permanent policeman and permanent fireman, specifically listing job categories which do or do not qualify for group II inclusion.

When there is doubt as to the proper classification of an employee, teacher, or permanent policeman or fireman, the retirement system trustees determine, in each individual case, how the job should be classified. A newly-created job must be placed in group I, unless the legislative body creating the job placed it in group II. No job can be reclassified from group I to group II without specific legislation authorizing the transfer. The amended bill clarifies that any group II job not certified as a group II job by July 1, 1989, shall be reclassified as a group I job.

If a job is reclassified from group II to group I, 5 years of service in group II are required to be fully grandfathered into group II. The bill, as amended, applies the 5-year service requirement in group II to both present and future members. A person with less than 5 years of service in group II would become a group I member, but would be eligible for group II benefits for the time of group II service in the form of split benefits.

The actuarial cost of any additional split benefits for current members of the retirement system is to be terminally funded from the special account under RSA 100-A:16, II (h). For persons who retire after July 1, 1988, the benefits are to be funded by employer and employee contributions. The sum of \$15,000 is appropriated for the administrative costs of the bill for fiscal year 1989.

Amendment adopted.

Rep. Richard Campbell offered an amendment.

Amendment

Amend the bill by replacing section 8 with the following:

8 Application.

I. A period of one year after the effective date of this act shall be allowed for certification of all group II jobs by the director of personnel or by the local governing body as provided in RSA 100-A:1, VII and VIII as amended by this act. It shall be the duty of the employer in each case to notify the retirement system when jobs are so certified. Any group II job not so certified on July 1, 1989, shall cease to be classified as a group II job. Except as provided in paragraph II, such job shall be reclassified to group I.

II. Notwithstanding RSA 100-A:3, II-c as inserted by this act, any person who is a group II member of the retirement system on the effective date of this act shall continue to be a group II member, irrespective of length of service.

III. If any group II job ceases to be classified as a group II job as provided in paragraph I, and the employer is a political subdivision that has not elected under RSA 100-A:20, I to have its employees participate as group I members in the New Hampshire retirement

system, and the person holding the job does not qualify under paragraph II of this section to remain a group II member, then such person shall cease to be a member of the retirement system as of July 1, 1989. Upon application by such person or the employer, if the person does not apply for return of accumulated contributions under RSA 100-A:11, the total amount of accumulated employee contributions and employer contributions on account of such person for the period of group II service in the job no longer classified in group II shall be paid over to the benefit of such person in a qualified retirement plan in which employees of the subdivision participate.

IV. The provisions of RSA 100-A:3, II-c as inserted by this act shall apply to any person whose job is reclassified from group II to group I after the effective date of this act, as of the date of such reclassification, if the person was hired after the effective date of this act.

V. The provisions of RSA 100-A:19-a through 19-h as inserted by this act shall apply prospectively to persons retired after the effective date of this act.

VI. Notwithstanding the provisions of paragraph V of this section, any person who was a member of the New Hampshire retirement system on June 30, 1988, may elect upon retirement to receive the portion of benefits attributable to creditable service rendered before July 1, 1988, according to the provisions of RSA 100-A that were in effect on June 30, 1988. In case of such election, the average final compensation shall be as defined in RSA 100-A:1, XVIII, computed on the basis of the entire period of service.

AMENDED ANALYSIS

This bill is primarily concerned with who may qualify for membership in group II of the New Hampshire retirement system. The bill redefines permanent policeman and permanent fireman, specifically listing job categories which do or do not qualify for group II inclusion.

When there is doubt as to the proper classification of an employee, teacher, or permanent policeman or fireman, the retirement system trustees determine, in each individual case, how the job should be classified. A newly-created job must be placed in group I, unless the legislative body creating the job placed it in group II. No job can be reclassified from group I to group II without specific legislation authorizing the transfer. The amended bill clarifies that any group II job not certified as a group II job by July 1, 1989, shall be reclassified as a group I job.

Any person who is a group II member on the effective date of the act shall continue to be a group II member, irrespective of length of service.

If a job is reclassified from group II to group I, 5 years of service in group II are required for any person hired after the effective date of the act. A person with less than 5 years of service in group II would be eligible for group II benefits for the time of group II service in the form of split benefits.

Rep. Richard Campbell explained the amendment.

Reps. William McCain and Hawkins spoke in favor of the amendment.

Rep. Hammond spoke against the amendment and yielded to questions.

On a voice vote the Speaker was in doubt and requested a division.

205 members having voted in the affirmative and 102 in the negative, the amendment was adopted.

Referred to Appropriations.

SUSPENSION OF RULES

Rep. Hager moved that House Rule 43(a) notice of the hearing shall be

advertised in the House Calendar no less than four days prior to a hearing, be suspended on HB 1066.

Adopted by the necessary two-thirds.

RECESS

JOINT CONVENTION (Speaker presiding)

The Speaker introduced Vice President George Bush who addressed the Joint Convention briefly.

INTRODUCTION OF GUEST

Brigadier General Charles E. Yeager, guest of the Joint Convention.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE (Speaker in the Chair)

COMMITTEE REPORTS (cont.) (Regular Calendar)

HB 1090-FN, relative to drugging animals in livestock events.
Ought to Pass with Amendment.

This bill was requested by the State Veterinarian as corrective legislation. There was no opposition. The bill adds a provision allowing the Commissioner of Agriculture the right to levy administrative fines. It also authorizes officials of the Agricultural Fairs to hire an independent accountant to conduct audits in lieu of the Office of Revenue Administration under certain conditions. Vote 12-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drugging animals in livestock events
and relative to audits of agriculture fairs.

Amend RSA 436:88-a, III as inserted by section 3 of the bill by replacing it with the following:

III. Any person or owner who is subject to paragraph I or II of this section shall forfeit any premiums or trophies offered at any livestock event. Such person or owner and the animals tested under RSA 436:87 shall be ineligible to compete in any future livestock event for a period not to exceed 2 years from the date of the administrative fine levied or any court conviction.

IV. Any person fined or convicted of doping and stimulating animals entered into livestock events in any other state shall be ineligible to compete in any livestock event in this state for a period not to exceed 2 years from the date of such fine or court conviction.

Amend the bill by replacing all after section 4 with the following:

5 Audit of Accounts of Agriculture Fairs. RSA 425:19-e is repealed and reenacted to read as follows:

425:19-e Audit of Accounts of Agriculture Fairs.

I. The commissioner of revenue administration shall annually, at the cost and expense of each agricultural fair receiving a distribution, audit all accounts of fairs receiving money under the provisions of this subdivision, and the report of each such audit, when completed, shall be submitted to the president, treasurer and clerk of each fair so audited. If, in any case, the commissioner cannot guarantee that such an audit will be completed within one year after the end of a fiscal year for which a fair received a distribution, he shall so advise the president or treasurer of the fair, whereupon the respective fair officials may hire a certified public accountant or a public accountant licensed under RSA 309-A, to conduct such an audit within one year after the close of the fair's fiscal year in accordance with generally accepted auditing standards and applicable state statutes.

II. Every audit made by the commissioner of revenue administration or an independent public accountant licensed under RSA 309-A, shall include a summary of findings and recommendations regarding compliance with applicable statutory provisions of law, and the adequacy of accounting and business procedures pursued by the fair examined. Contracts executed between the agricultural fairs and the independent public accountants shall stipulate that all accounts and funds of the fair are to be audited and a report of the audit is to be prepared in accordance with this section. At the conclusion of the audit, the independent public accountant shall submit a copy of an audit report prepared pursuant to this section directly to the commissioner of agriculture and to the commissioner of revenue administration for review and approval as to format only.

6 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill clarifies the law relative to doping and stimulating animals entered in livestock events. The bill adds a provision allowing the commissioner of agriculture to levy administrative fines in addition to the criminal penalty when a person or owner of such an animal fails to submit the animal to testing or violate the subdivision in any other way.

This bill, as amended, authorizes the officials of an agricultural fair to hire an independent accountant licensed under RSA 309-A to conduct an audit if the commissioner of revenue administration is unable to conduct his audit within one year of a fund distribution received by such fair.

This bill was requested by the department of agriculture.

Amendment adopted.

Ordered to third reading.

HR 53, relative to use of recycled material by state and local government agencies. Ought to Pass with Amendment.

This resolution expresses the consensus of the Committee that solid waste must be dealt with in every possible way. This is one-way. Vote 14-0. Rep. Elizabeth M. Popov for Environment and Agriculture.

Amendment

Amend the resolution by replacing all after the resolving clause with the following:

That the House of Representatives, in the interests of the continued economic prosperity of the state of New Hampshire, the preservation of natural resources and the reduction of solid waste produced in this

state, does hereby declare that agencies of the state of New Hampshire and local governmental agencies should purchase and utilize recycled products in their operations wherever it is deemed economically feasible.

AMENDED ANALYSIS

The resolution, as amended, encourages state and local governmental agencies to purchase and use recycled materials whenever it is economically feasible to do so.

Amendment adopted.

Rep. Schotanus spoke in favor of the report.

Adopted unanimously.

Ordered to third reading.

HB 803, relative to OHRV operation. Ought to Pass with Amendment. This bill relaxes the written permission requirements for snowmobilers who use established snowmobile trails maintained and groomed by organized snowmobile clubs not under the supervision of the Bureau of Off Highway Recreational Vehicles. The amendment grants the manufacturers a one-year extension on safety features required in legislation from the 1987 Session. Vote 12-0. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to snowmobile operation and changing compliance
dates for ATV manufacturers.

Amend RSA 215-A:29, XI as inserted by section 1 of the bill with the following:

XI. No person or organized OHRV club shall operate an OHRV on the land of another without written permission from the owner except as follows. Oral permission from the land owner shall be adequate for operating a tracked vehicle (a snowmobile propelled by an endless rubber type track) on adequate protective snow cover on an established snowmobile trail, maintained and groomed by an active, organized snowmobile club, or on an established OHRV trail accepted by the chief supervisor of the bureau of off-highway recreational vehicles.

Amend the bill by replacing section 2 with the following:

2 ATV Manufacturers. Amend RSA 215-A:12, VIII, IX and X to read as follows:

VIII. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, [1989] 1990, which does not have a working headlight which is designed to stay on at all times that the ATV is in operation.

IX. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, [1989] 1990, which does not have a working brake light on the rear of the ATV.

X. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, [1989] 1990, which is not equipped with a location on the front and rear of the ATV specifically for the placement of registration plates or decals, which measure 3-1/2 inches by 6 inches.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, removes the requirement for written permission from the land owner for operating a snowmobile on adequate protective snow cover on an established snowmobile trail maintained by an organized snowmobile club or accepted by the bureau of off-highway recreational vehicles. Oral permission from the land owner shall be adequate.

The bill extends the date from 1989 to 1990, for ATV manufacturers to meet certain requirements, without which no ATV shall be operated or sold in the state.

Amendment adopted.

Ordered to third reading.

HB 816, prohibiting the hunting of mourning doves in New Hampshire. Ought to Pass.

This bill places the mourning dove in the protected species category and removes the dove from the list of migratory game birds in New Hampshire. The Committee supported the public outcry, opposing a dove season. Vote 11-2. Rep. Jack Schofield for Fish and Game.

Ordered to third reading.

HB 819, relative to the setting of black bear seasons. Ought to Pass with Amendment.

The Fish and Game Department has shown the Committee that a good comprehensive program is in place, and delivering excellent results, thereby the removal of "until January 1, 1988; etc." an outstanding program with outstanding results. Vote 10-1. Rep. William P. Boucher for Fish and Game.

Amendment

Amend RSA 208:22, I as inserted by section 1 of the bill to read as follows:

I. The executive director [, with the consent of the commission,] shall adopt rules, pursuant to RSA 541-A, relative to opening and closing the seasons for the taking of wild black bear, fixing the number of wild black bear that may be taken and any other conditions governing the methods and manner of taking and reporting of the same. The authority of the executive director as granted by this section may be exercised with reference to the state as a whole or for any specified county or part of a county [until January 1, 1988; provided, however, the executive director shall set the opening date of the bear season for 1989]. Dog training shall be permitted in accordance with RSA 207:12-a.

Amendment adopted.

Ordered to third reading.

HB 820, relative to the hunter safety program. Ought to Pass with Amendment.

As amended, this bill changes "Certificate of Competency" for a hunting license to "Certificate of Completion" to coincide with other states. The amendment also makes it mandatory for those under 16 years of age to be accompanied by a licensed person 18 years or over when hunting with a bow. An archery license shall not constitute proof of holding a hunting license in the state. Vote 13-1. Rep. Lester R. Perham for Fish and Game.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the hunter education program
and bow and arrow licenses.

Amend RSA 214:23-a as inserted by section 1 of the bill by replacing it with the following:

214:23-a Certificate of [Competency] *Completion* Required. No hunting license shall be issued to any resident or non-resident person unless he presents to the person authorized to issue such license either: (1) a certificate of [competency] *completion* as provided under this subdivision, or (2) satisfactory proof that he has successfully completed a hunter [safety instruction course] *education program* in this state, or any other state, province, or country which is equivalent to the [course] *program* provided for by this chapter, or (3) satisfactory proof that he has previously had a hunting license issued to him in this state, or any other state, province, or country.

Amend section 4 of the bill by replacing it with the following:

4 Bow and Arrow. RSA 208:5 is repealed and reenacted to read as follows:

208:5 Bow and Arrow.

I. Any resident 16 years of age or older, upon the payment of \$14.50, or any nonresident 16 years of age or older, upon the payment of a fee of \$35.50, shall be issued an archery license.

II. The licensee shall be entitled to hunt wildlife with bow and arrow during the open season, subject to the restrictions of this title.

III. The licensee shall be entitled to hunt deer during the special archery season established by the executive director pursuant to RSA 208:2 throughout the state and in Bear Brook Refuge.

IV. The licensee shall be entitled to take one deer under the archery license and one additional deer if such licensee also possesses a regular firearms hunting license.

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license or a valid license to carry firearms issued pursuant to RSA 159.

VI. A resident or nonresident person under 16 years of age shall not take wildlife with a bow and arrow unless said person is accompanied by a properly licensed person who is 18 years of age or older.

VII. A resident or nonresident person under 16 years of age shall not take deer with bow and arrow during the special archery season unless such person is accompanied by a person possessing the archery license described in RSA 208:5, I who is 18 years of age or older.

VIII. No person taking deer under the provisions of this section shall take or attempt to take deer with any type of firearm.

IX. An archery license purchased pursuant to this section shall not constitute satisfactory proof that the licensee has previously had a hunting license issued to him in this state, or any other state, province or country as required by RSA 214:23-a.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, changes the term "certificate of competency" to "certificate of completion" in the subdivision relative to the hunter education program. The hunter safety training program is changed to the hunter education program.

This bill, as amended, amends the law relative to the licensing of bow and arrow hunters.

This is a request of the fish and game department.

Amendment adopted.

Ordered to third reading.

HB 1037-FN, relative to off highway recreational vehicles. Refer for Interim Study.

House Bill 1037 is complex and would have a far-reaching impact on owners, dealers and manufacturers of 3-wheeled ATVs. The content of this bill deserves further study. Vote 11-0. Rep. David M. Scanlan for Fish and Game.

Report adopted.

Rep. Palumbo moved that HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor, be made a Special Order for Thursday, February 4 at 2:00 p.m.

Adopted.

HB 933-FN-A, mandating testing for AIDS in county jails and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that HB 933 raised more questions than gave answers to. The bill does not address the issue of confidentiality nor does it address the issue of over-crowding in some county jails and the availability of those who will do the testing; and, the fact of time limits placed on someone who may be detained accordingly to criminal statutes. Another question raised was, are there any rooms available in county jails to segregate persons who are tested positive with the AIDS Virus. Vote 17-1. Rep. Lawrence A. Chase for Health and Human Services.

Resolution adopted.

HB 934, requiring an AIDS carrier to disclose that fact to certain persons. Inexpedient to Legislate.

House Bill 934 proposes to impose a misdemeanor charge against any person who knowingly fails to disclose that he is an AIDS carrier. To expect a person who has been medically determined to have contracted AIDS to disclose that fact to a sexual partner, or if the infected person is an intravenous drug user, to one with whom he shares a needle, is unrealistic. Blood donors are carefully screened now, and the blood tested to prevent spreading the disease. We cannot expect total honesty from everyone who has proved serologic positive. The very nature of the disease and the vast amount of publicity and fear involving carriers would prevent many from disclosing the fact and a misdemeanor charge certainly would not be a deterrent. It was pointed out in the hearings and in executive session that there is no necessity for penalties for failure to disclose. Laws already exist regarding individuals who knowingly transmit a disease that is detrimental to the health of another individual. This bill is also discriminatory, since nowhere else does it specify by name that hepatitis, herpes, syphilis, etc. carrier be required to inform a partner that he is infected. Current laws adequately cover disclosure. To impose further penalties that

would be difficult to monitor and prosecute are unnecessary. There should be more concentration on education relative to AIDS. HB 1162 addresses this need. Vote 18-1. Rep. Joan A. Wagner for Health and Human Services.

Resolution adopted.

HB 949-FN, establishing a task force to study the feasibility of a one-use needle distribution program to combat the spread of the AIDS virus. Inexpedient to Legislate.

House Bill 949 would establish a task force to study the feasibility of distributing sterile one-time-use needles as a means of controlling the spread of AIDS Virus. Studies in the USA and in Europe have shown that such a distribution program will only succeed if a methadone program is available to those who see the error of their ways and wish to reform. New Hampshire does not now have such a program. The Committee is certain that the citizens of this state could not favor this distribution for fear that it would appear to condone illicit drug use. Vote 19-0. Rep. Robert F. Wilson for Health and Human Services.

Rep. Weddle moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Wilson and Sochalski spoke against the motion and yielded to questions.

Rep. Alf Jacobson spoke in favor of the motion.

A roll call was requested. Insufficiently seconded.

On a voice vote the motion lost.

Resolution adopted.

HB 1160-FN-A, relative to screening for the AIDS virus and to conducting a survey for the AIDS virus and making an appropriation therefor. Inexpedient to Legislate.

The Committee gave careful consideration to this bill and found that of the four main mandates of the bill three were already addressed in HB 1162, which is generally known as the AIDS education bill. The fourth part of the bill was to mandate testing of all high risk populations. It was the opinion of the Committee that this would be very difficult to do without running into a host of constitutional problems vis-a-vis rights of certain individuals. Furthermore, rather than solving a problem, it would only serve to make high risk groups go underground. The portions of the bill dealing with a sero-prevalence study has merit and will be studied along with HB 1169, another AIDS bill, when it is sent to interim study. Vote 18-1. Rep. Marion L. Copenhagen for Health and Human Services.

Resolution adopted.

HB 1169-FN-A, relative to the AIDS virus and making an appropriation therefor. Refer for Interim Study.

House Bill 1169 is a complex and fairly thorough attempt to address several problems facing us because of the AIDS virus. Specifically, the bill has six parts to it:

- a) Establishes a task force to study the possibility of housing homeless persons who have contracted AIDS.
- b) Provides for the expansion of existing programs administering services to AIDS patients.
- c) Requires certain health care workers and other appropriate persons to undergo a certain number of hours of training relative to the AIDS virus by the Division of Public Health Services.

- d) Establishes a loan program to allow municipalities to purchase precautionary safety equipment for employees who may become exposed to persons who have AIDS during the course of their duties.
- e) Prohibits discrimination against persons with AIDS.
- f) Establishes a program to reduce the transmission of AIDS by employing outreach workers who are rehabilitated intravenous drug abusers, to identify high risk areas for AIDS, disseminate educational information, and to gather data and make reports to the Division of Public Health Services.

While some of these parts are being addressed now, others should wait. The Committee does feel that weighing what is right for New Hampshire is difficult in this area, but wishes to take the time to recommend what appears best for all segments of our society. The Committee recommends interim study on this bill to give it time to closely and properly address the problem of AIDS. Vote 18-2. Rep. Matthew M. Sochalski for Health and Human Services.

Report adopted.

HB 1060, establishing a limitations period for claims of procedural defects in the enactment of municipal legislation. Ought to Pass. The subject of this bill passed the House in the last session. The Senate failed to act and the bill was killed. This bill removes the objection. Vote 15-1. Rep. David M. Perry for Municipal and County Government.

Ordered to third reading.

HB 1167-FN, relative to elderly property tax credits. Ought to Pass with Amendment.

House Bill 1167 grants to the municipalities a new flexible method of granting elderly tax credits. The bill repeals the other elderly exemption laws, grandfathering in the towns to the exemption they now use and lets them choose the time they wish to make the transition. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend RSA 72:43-h, I(c) as inserted by section 5 of the bill by replacing it with the following:

(c) The wording of the question shall be: "Shall we adopt [optional adjusted] elderly [exemptions from] property tax *credits*? The [optional exemptions] *credits* [, based on assessed value,] for qualified taxpayers shall be as follows: for a person 65 years of age up to 75 years, [(here insert dollar amount)] (____) *of the previous year's property tax gross bill*; for a person 75 years of age up to 80 years, [(here insert dollar amount)] (____) *of the previous year's property tax gross bill*; for a person 80 years of age or older, [(here insert dollar amount)] (____) *of the previous year's property tax gross bill*. The credit shall be determined on the basis of the previous year's tax bill, before any credits or exemptions are taken, for the real estate which the qualified taxpayer occupies as his principal place of residence, together with any appurtenant land or buildings. To qualify, the person must have been a New Hampshire resident for at least 5 years; own the real estate individually or jointly, or if the real estate is owned by his spouse, they must have been married for at least the preceding 5 years. In addition, the taxpayer must have a net income of less than \$10,000 or, if married, a combined net income of less than \$12,000; and own net assets of *no more than* (here insert dollar amount), excluding the value of the person's residence."

Net income shall be determined by deducting from all moneys received from any source whatsoever the following or the sum of the following:

- (1) Life insurance paid on the death of an insured;*
- (2) Expenses and costs incurred in the course of conducting a business enterprise;*
- (3) Proceeds from the sale of assets; and*
- (4) Social security payments.*

Amend RSA 72:43-h, I(d) as inserted by section 5 of the bill by replacing it with the following:

(d) [The exemption amounts inserted in the above question shall in no case be less than the exemption amounts for each respective age group which were in effect in the municipality prior to the initial adoption of the optional adjusted elderly exemption.] *Regardless of the percentage amounts inserted in the above question, no taxpayer shall receive a credit which is less in dollars than the amount to which he would have been entitled under the exemption which was in effect in the municipality for that taxpayer's age group immediately prior to the initial adoption of the property tax credit.* The amount of net assets owned inserted in the above question shall in no case be less than the amount of net assets owned which is in effect in the municipality prior to the initial adoption of the [optional adjusted] elderly [exemption] *property tax credit.*

Amend the bill by replacing all after section 6 with the following:

7 Transition. Any town or city in which elderly exemptions under RSA 72:39, expanded elderly exemptions adopted pursuant to RSA 72:43-a and 43-b, adjusted elderly exemptions adopted pursuant to RSA 72:43-e and 43-f, or any other type of elderly exemptions are in effect prior to the effective date of this act shall retain these exemptions, according to the laws corresponding to such exemptions, until the town or city votes, at a town meeting or by official ballot, *to adopt elderly property tax credits, which may only be adopted* through the procedure set out in RSA 72:43-h.

8 Limitation on Credit. Amend RSA 72:40-a to read as follows:

72:40-a Limitation. In addition to other conditions hereunder, no [exemption] *credit* shall be allowed under RSA [72:39, 72:43-b, or 72:43-f] 72:43-h if the resident applying therefor has, within the preceding 5 years, received transfer of the real estate from a person under the age of 65 related to him by blood or marriage.

9 Publishing Prohibited. Amend RSA 72:40-b to read as follows:

72:40-b Publishing Prohibited. The names of persons receiving [an exemption] *a credit* under RSA [72:39, 72:43-b or 72:43-f] 72:43-h shall not be printed in any list for publication except as required under RSA 74:2.

10 Repeal. The following are repealed:

- I. RSA 72:39, relative to exemption for persons 68 years or over.
- II. RSA 72:40, relative to conditions for exemption for persons 68 years or over.
- III. RSA 72:41, relative to proration of exemption for persons 68 years or over.
- IV. RSA 72:42, relative to application for exemption by persons 68 years or over.
- V. RSA 72:43-a, relative to the procedure for adoption of expanded elderly exemptions.
- VI. RSA 72:43-b, relative to expanded exemptions on real estate for the elderly.
- VII. RSA 72:43-c, relative to conditions for expended exemptions.

VIII. RSA 72:43-e, relative to procedure for adoption of adjusted elderly exemptions.

IX. RSA 72:43-f, relative to amount of adjusted elderly exemptions.

X. RSA 72:43-g, relative to conditions for adjusted elderly exemptions.

11 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, repeals the existing laws on the elderly exemption, expanded elderly exemption, and adjusted elderly exemption. The bill creates a single procedure for adoption of elderly tax credits by towns and cities. This procedure is similar to the procedure for adopting optional adjusted elderly exemptions which was enacted as law in the 1987 legislative session. Once a town or city has adopted elderly tax credits under the procedure set out in this bill, it may modify these tax credits once every 5 years. Any town or city which presently has the basic \$5,000 elderly exemption, expanded elderly exemptions or adjusted elderly exemptions shall retain its present exemptions until it wishes to adopt elderly property tax credits. A town or city shall adopt elderly tax credits only through the procedure established by this bill.

Amendment adopted.

Ordered to third reading.

HB 921-FN, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans. Ought to Pass with Amendment.

House Bill 921 establishes a joint House and Senate oversight committee on highway and bridge construction. This has been deemed necessary to insure that legislative mandate is recognized and honored by the Department of Transportation. Vote 17-0. Rep. Ralph W. Pearson for Public Works.

Amendment

Amend RSA 17-0:1 as inserted by section 1 of the bill by replacing it with the following:

17-0:1 Committee Established. There is hereby established a joint committee on highway and bridge plan oversight. The committee shall consist of the chairman of the senate capital budget committee, 4 members of the senate appointed by the president of the senate, the chairman of the house public works committee, and 4 members of the house appointed by the speaker of the house. The committee shall choose a chairman and vice chairman from among its members. Committee members shall receive mileage at the legislative rate for attending to the duties of the committee.

Amend RSA 17-0:2 as inserted by section 1 of the bill by replacing it with the following:

17-0:2 Duties. The committee shall develop information and prepare recommendations for legislative action to continually update, on an annual basis, the state highway and bridge construction and reconstruction plan. In the performance of its duties, the committee shall make a determination of what state and federal funds can reasonably be expected to be available over the next 10 year period.

Amend RSA 17-0:3, II as inserted by section 1 of the bill by replacing it with the following:

II. If the department of transportation cannot comply with the enacted 10 year plan, regardless of whether a recommended change constitutes a delay, acceleration, elimination, or modification of a project, the department shall submit its recommended changes to the committee.

AMENDED ANALYSIS

This bill, as amended, establishes a joint legislative committee to continually review and update on an annual basis the 10 year state highway and bridge construction and reconstruction plan and deletes any reference to the governors advisory commission on highways.

Amendment adopted.

Ordered to third reading.

HB 923, relative to dredging on great ponds. Ought to Pass with Amendment.

This bill was introduced at the request of the Division of Water Resources to clear up some procedural questions regarding the processing of excavating and dredging applications by the Wetlands Board under RSA 488-A:1, II (c). This bill complies with a ruling of the Attorney General's Office. Vote 15-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

Rep. Dingle moved that HB 923 be recommitted to the Committee on Resources, Recreation and Development and spoke to his motion.

Adopted.

SENATE MESSAGE NONCONCURRENCE

HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979.

HB 324-FN-A, establishing a committee to study development issues and their impact on the state environment and its resources.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 4 at 1:00 p.m.

Adopted.

LATE SESSION Third reading and final passage

HB 881-FN, relative to weights and measures.

HB 989, relative to towed farm implements.

HB 749, permitting persons qualified to hunt from motor vehicles to hunt from OHRVs and ATVs.

HB 883-FN, relative to resident and nonresident wholesale marine species licenses.

HB 993, relative to the taking of beaver.

HB 781, amending the uniform limited partnership act and making reference changes in the disclosure of security takeovers act.

HB 1123-FN, relative to senior justices and to the sentence review division.

HB 755, relative to the Goffstown police department.

HB 766, relative to utility easements.

HB 867-FN, relative to bonding authority for the Conway village fire district.

HB 874, permitting every county attorney to appoint an assistant county attorney.

HB 897, relative to annual reports of county officers.

HB 902, relative to county foresters.

HB 1130-FN, relative to the cost to counties for performing autopsies.

HB 768-FN, relative to the frequency of regional highway conferences.

HB 1061-FN, relative to retaining certain state-owned land overlooking Lake Winnisquam.

HB 1081-FN, naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road.

HB 772, providing for the classification of Lake Wentworth.

HB 1152-FN, changing the name of the Laconia state school and training center.

HB 1090-FN, relative to drugging animals in livestock events and relative to audits of agriculture fairs.

HR 53, relative to use of recycled material by state and local government agencies.

HB 803, relative to snowmobile operation and changing compliance dates for ATV manufacturers.

HB 816, prohibiting the hunting of mourning doves in New Hampshire.

HB 819, relative to the setting of black bear seasons.

HB 820, relative to the hunter education program and bow and arrow licenses.

HB 1060, establishing a limitations period for claims of procedural defects in the enactment of municipal legislation.

HB 1167-FN, relative to elderly property tax credits.

HB 921-FN, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

Rep. Emma Wheeler moved that the House adjourn.

Adopted.

The House adjourned at 3:20 p.m.

HOUSE JOURNAL 9

Thursday, 4Feb88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God of the still and of the storm, we are humbled this day as we struggle to maintain our schedules and our commitments. Some of us rebel at the thought of slowing down, while others rebel at the thought of pressing on.

Grant us the gift of listening with compassion, of speaking with conviction, of debating with integrity, and of deciding with understanding. And guide us safely, Holy One, in our comings and goings this day. Amen.

Rep. John Flanders led the Pledge of Allegiance.

Reps. Palumbo and Chambers move that the Senate be notified that the House is ready to meet in Joint Convention at 1:15 p.m. for the purpose of hearing an address by Reverend Jesse Jackson.

Adopted.

LEAVES OF ABSENCE

Reps. Joseph Eaton, Malcolm Harrington, McManus, Ann Derosier, Schwaner, Donna Kelly, Richard Campbell, Bowler, Lovejoy, Mary Sullivan, Cutting, Clark, Anita Flynn, Edward Flynn, Nichols and Emma Wheeler, the day, illness.

Reps. Frechette, Alukonis, Ruth Gage, Coulombe, William Dion, Gosselin, Rodgers, Schofield, Lefebvre, Doucette, Mace, Gene Chandler, Laurion, Flint, Keefe, Magee and Chretien, the day, important business.

Reps. Wadsworth, Bean, Walter, Blanchette, Pariseau, Mason, Normandin, Tupper, Grip, Brady, Bourque, Kincaid, Pevear, Marilyn Campbell, Ingram, Elizabeth Greene, Allard, Splaine, Hynes, Pearson, Burkush, Nagel, Schotanus, Schneiderat, Peyron, Champagne, Swope, Daniel Eaton, Mulligan, Pignatelli, Alf Jacobson, Martling, Ahrens, Magoon, Cusson, Popov, Flanagan, Powers, Newell, Eunice Campbell, Bennett, Carpenito, Miller, Holden, Tarpley, Skinner, Mace, Wall, Appleby, Murphy, Healy, Eleanor Anderson, Wagner, McKinney, Phyllis Katsakioris, Bernard, Whittemore, Gagnon, Levesque, Cox, Walter Robinson, Torr, Pantzer, Parks, Dube, Stonner, Malcolm, Tufts, Domini, Barbara Arnold, Blanchard and Cooke, the day, weather conditions.

Reps. Frink, Wood, Joseph MacDonald and Simon, the day, illness in the family.

INTRODUCTION OF GUESTS

Jodi Lalla and Heather Beaton, guests of Rep. Beaton.

SENATE MESSAGE
REQUESTS CONCURRENCE

SB 317-FN, relative to master plans and their housing sections.

SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness.

SB 326-FN, establishing a New Hampshire rivers management and protection program and making an appropriation therefor.

SB 327-FN, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration.

SB 328-FN, relative to sexual misconduct by psychotherapists.

SB 331-FN, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services.

SB 333, relative to notaries public, commissioners of deeds, justices of the peace, the department of state, and emergency interim succession.

SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor.

SB 302-FN, relative to fireworks.

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct.

SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

SB 305-FN, relative to pari-mutuel pools at dog races.

SB 306-FN, relative to low-dose mammography screening.

SB 307-FN, relative to retirement pay for judges and to vested rights in judicial retirement compensation, and to the committee on judicial conduct.

SB 309-FN, enabling cities and towns to transfer revenues from the land use change tax to the local conservation commission.

SB 310-FN-A, relative to the purchase and distribution of breathalyzer machines and making an appropriation therefor.

SB 313-FN, providing a cost of living increase for New Hampshire retirement system Group II members.

SB 284-FN-A, relative to exemption from tolls on the New Hampshire turnpike system.

SB 285-FN-A, limiting toll increases on the New Hampshire turnpike system.

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula.

SB 291, relative to refunds of insurance premiums.

SB 292-FN, establishing a study committee to examine the future air travel needs of New Hampshire and relative to the management of the Nashua Airport Authority.

SB 293-FN, relative to asbestos management.

SB 294-FN, relative to the catastrophic aid formula, and making a supplemental appropriation therefor.

SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor.

SB 269-FN, relative to indoor air quality in certain state buildings.

SB 271-FN, establishing a study committee to examine the feasibility of relocating state agencies in Concord.

SB 275-A, relative to Skyhaven airport and making an appropriation therefor.

SB 276-FN, establishing a panel to address the effectiveness of the delivery of services to children and their families.

SB 278, relative to aid to assisted persons.

SB 279, relative to motor vehicle emissions testing.

SB 283, relative to protective services for adults.

SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe.

SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor.

SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children.

SB 254-FN-A, making a supplemental appropriation for school aid.

SB 259, relative to child custody.

SB 260-FN, relative to detection of airborne radon in homes.

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor.

SB 337-FN, adopting the uniform federal lien registration act.

SB 338-FN-A, relative to a statewide plan for public and private transportation.

SB 339-FN, relative to purchasing airports, establishing airport districts, and airport property tax base sharing agreements.

SB 341-FN-A, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor.

SB 342, amending the certificate of need law.

SB 344-FN, relative to the consignment of artworks.

SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor.

SB 348-FN, relative to licensing of health care facilities.

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 351, relative to regional banking and mutual savings banks.

SB 354-FN, establishing a Connecticut River bridge advisory commission.

CACR 24, relating to the right to counsel in criminal proceedings. Providing that the right of a defendant in a criminal proceeding to have an attorney appointed at the expense of the state if the defendant cannot afford an attorney be limited to cases where the defendant actually faces incarceration.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 317, 323, 326, 326, 328, 331, 333, 334, 302, 303, 304, 305, 306, 307, 309, 310, 313, 284, 285, 289, 291, 292, 293, 294, 297, 269, 271, 275, 276, 278, 279, 283, 242, 247, 250, 254, 259, 260, 262, 337, 338, 339, 341, 342, 344, 347, 348, 349, 351, 354, and Concurrent Resolution Proposing Constitutional Amendment numbered 24, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS AND CACR

First, second reading and referral

SB 317-FN, relative to master plans and their housing sections. (Municipal and County Government)

SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness. (Health and Human Services)

SB 326-FN, establishing a New Hampshire rivers management and protection program and making an appropriation therefor. (Resources, Recreation and Development)

SB 327-FN, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration. (Executive Departments and Administration)

SB 328-FN, relative to sexual misconduct by psychotherapists. (Executive Departments and Administration)

SB 331-FN, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services. (Health and Human Services)

SB 333, relative to notaries public, commissioners of deeds, justices of the peace, the department of state, and emergency interim succession. (Constitutional and Statutory Revision)

SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor. (Education)

SB 302-FN, relative to fireworks. (Public Protection and Veterans Affairs)

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct. (Judiciary)

SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (Judiciary)

SB 305-FN, relative to pari-mutuel pools at dog races. (Regulated Revenues)

SB 306-FN, relative to low-dose mammography screening. (Commerce, Small Business and Consumer Affairs)

SB 307-FN, relative to retirement pay for judges and to vested rights in judicial retirement compensation, and to the committee on judicial conduct. (Executive Departments and Administration)

SB 309-FN, enabling cities and towns to transfer revenues from the land use change tax to the local conservation commission. (Municipal and County Government)

SB 310-FN-A, relative to the purchase and distribution of breathalyzer machines and making an appropriation therefor. (Public Protection and Veterans Affairs)

SB 313-FN, providing a cost of living increase for New Hampshire retirement system Group II members. (Executive Departments and Administration)

SB 284-FN-A, relative to exemption from tolls on the New Hampshire turnpike system. (Public Works)

SB 285-FN-A, limiting toll increases on the New Hampshire turnpike system. (Public Works)

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula. (Education)

SB 291, relative to refunds of insurance premiums. (Commerce, Small Business and Consumer Affairs)

SB 292-FN, establishing a study committee to examine the future air travel needs of New Hampshire and relative to the management of the Nashua Airport Authority. (Public Works)

SB 293-FN, relative to asbestos management. (Health and Human Services)

SB 294-FN, relative to the catastrophic aid formula, and making a supplemental appropriation therefor. (Education)

SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor. (Children, Youth and Elderly Affairs)

SB 269-FN, relative to indoor air quality in certain state buildings. (Health and Human Services)

SB 271-FN, establishing a study committee to examine the feasibility of relocating state agencies in Concord. (Public Works)

SB 275-A, relative to Skyhaven airport and making an appropriation therefor. (Public Works)

SB 276-FN, establishing a panel to address the effectiveness of the delivery of services to children and their families. (Children, Youth and Elderly Affairs)

SB 278, relative to aid to assisted persons. (Municipal and County Government)

SB 279, relative to motor vehicle emissions testing. (Transportation)

SB 283, relative to protective services for adults. (Children, Youth and Elderly Affairs)

SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe. (Resources, Recreation and Development)

SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor. (Public Works)

SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children. (Children, Youth and Elderly Affairs)

SB 254-FN-A, making a supplemental appropriation for school aid. (Appropriations)

SB 259, relative to child custody. (Children, Youth and Elderly Affairs)

SB 260-FN, relative to detection of airborne radon in homes. (Environment and Agriculture)

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor. (Resources, Recreation and Development)

SB 337-FN, adopting the uniform federal lien registration act. (Constitutional and Statutory Revision)

SB 338-FN-A, relative to a statewide plan for public and private transportation. (Transportation)

SB 339-FN, relative to purchasing airports, establishing airport districts, and airport property tax base sharing agreements. (Public Works)

SB 341-FN-A, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor. (Children, Youth and Elderly Affairs)

SB 342, amending the certificate of need law. (Health and Human Services)

SB 344-FN, relative to the consignment of artworks. (Commerce, Small Business and Consumer Affairs)

SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor. (Health and Human Services)

SB 348-FN, relative to licensing of health care facilities. (Health and Human Services)

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (Environment and Agriculture)

SB 351, relative to regional banking and mutual savings banks. (Commerce, Small Business and Consumer Affairs)

SB 354-FN, establishing a Connecticut River bridge advisory commission. (State-Federal Relations)

CACR 24, relating to the right to counsel in criminal proceedings. Providing that the right of a defendant in a criminal proceeding to have an attorney appointed at the expense of the state if the defendant cannot afford an attorney be limited to cases where the defendant actually faces incarceration. (Constitutional and Statutory Revision)

Rep. Long, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 67

acknowledging Black History Month.

WHEREAS, during February, Black History Month will be celebrated throughout the United States, and

WHEREAS, Black History Month commemorates, in our nation's history, numerous milestones of freedom, including ratification of the Thirteenth Amendment to the Constitution, Race Relations Day, Brotherhood Week and the birthdays of Frederick Douglass, Abraham Lincoln and George Washington, and

WHEREAS, in 1968, Black History Month, was promulgated as a national observance by Robert Starling Pritchard and as a tribute to Dr. Carter Goodwin Woodson who in 1926 founded Negro History Week,

WHEREAS, Black History Month is of special significance in fostering a spirit of cooperation among all segments of our multi-ethnic communities, and in paying tribute to the vital role, past, present and future, played by the black community in business, commerce, culture, education, government, religion and science, and

WHEREAS, it is fitting that the citizens of New Hampshire join in the observance of Black History Month which underscores the country's quest to fulfill the promise of full equality for all citizens, now therefore be it

RESOLVED, on this day, February 4, 1988, that the New Hampshire House of Representatives, in Regular Session convened, acknowledge that February is Black History Month, and be it further

RESOLVED, that all citizens of the State of New Hampshire be encouraged to join in the observance of Black History Month in the State.

Adopted.

JOINT CONVENTION (Speaker presiding)

The Speaker introduced Reverend Jesse Jackson, who addressed the Joint Convention briefly.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE (Speaker in the Chair)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 847, making a supplemental appropriation for indigent defense, was removed at the request of Rep. Sytek.
Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 762-FN-A, making supplemental appropriations to the fish and game department. Ought to Pass.

This request for radio equipment and computer capability is a follow up on a recommendation to the Department of Fish and Game last session and the Fish and Game funds are in hand to pay for this equipment. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

HB 893-FN-A, making a supplemental appropriation to the fish and game department. Ought to Pass.

This request relative to money for game resources management was made last session and Fish and Game was told to resubmit if the money was in hand this year; the money is in the Fish and Game Fund. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

HB 770-FN, relative to loan originators. Ought to Pass with Amendment.

The amendment to this bill changes the title from loan originators to loan scam operators to make it clear that this bill addresses a group of individuals who, through media advertising, offer to loan money at a prepaid fee and take flight without any intention of fulfilling their part of the bargain. The bill makes anyone perpetrating such a scam, guilty of a felony, subject to a heavy fine and imprisonment. Vote 13-0. Rep. Paul R. Dionne for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to loan scam operators.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Loan Scam Operators. Amend RSA by inserting after RSA 399-D the following new chapter:

CHAPTER 399-E LOAN SCAM OPERATORS

399-E:1 Loan Scam Operators.

I. In this chapter, "loan scam operator" means any person who, through advertising in any media, offers to lend money for a prepaid fee without any source of supply for such money and with no intent to provide such money.

II. Any loan scam operator who operates in this state shall be guilty of a felony and, notwithstanding RSA 651:2, shall be subject to a fine of \$10,000 and one year of imprisonment.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, makes it a felony to operate as a loan scam operator in this state. The penalty for a loan scam operator shall be a fine of up to \$10,000 and one year of imprisonment.

HB 774-FN, relative to the New Hampshire municipal bond bank. Ought to Pass with Amendment.

House Bill 774, as amended, reflects the impact of the federal Tax Reform Act of 1986. New issues of the New Hampshire Municipal Bond Bank can now be secured by insurance or lines of credit, rather than by cash. That makes it possible to avoid federal taxes on arbitrage profits, to comply with new caps on the reserve fund as established by the Tax Reform Act of 1986, and to pass the savings back to communities which participate in various New Hampshire Municipal Bond Bank issues. Vote 13-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 5 with the following:

5 Governmental Units. RSA 35-A:29 is repealed and reenacted to read as follows:

35-A:29 Limitation Not Applicable; Contracts of Governmental Units; Terms of Bonds. Every governmental unit is hereby authorized and empowered to borrow money from the bank evidenced by its municipal bonds purchased by the bank and to contract with the bank with respect to such borrowing or purchase. Every governmental unit is hereby authorized and empowered to pay fees and charges required to be paid to the bank for its services. Notwithstanding the provisions of any law or statute applicable to or constituting any limitation on the sale of bonds or notes, any governmental unit may sell its bonds or notes to the bank without limitation as to denomination, and such bonds or notes may be fully registered, registrable as to principal or in bearer form, may bear interest at such rate or rates, may be evidenced in such manner and may contain other provisions not inconsistent herewith, and may be sold to the bank without advertisement, all as shall be determined or authorized to be determined in respect of the foregoing or other matters by the officers of the governmental unit authorized by law to provide for the sale of such bonds or notes. In case any of the officers whose signatures appear on the bonds or notes shall cease to be officers before the delivery of the bonds or notes, such signatures shall be valid or sufficient for all purposes, the same as if they had remained in office.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows bonds or notes issued by the municipal bond bank to be secured in whole or in part by insurance or by letters or lines of credit or other credit facilities as provided by resolution of the bank authorizing such bonds or notes.

This bill, as amended, revises the statutory section concerning governmental units which borrow money from and contract with the municipal bond bank.

HB 1140-FN, relative to lock boxes at hazardous material storage facilities. Inexpedient to Legislate.

The Committee finds this bill inexpedient because the material that needs to be supplied is already available under other statutes. Vote 13-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 1141-FN, relative to transportation of hazardous waste. Inexpedient to Legislate.

This bill is not needed because labeling is already required in our present laws. Vote 13-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 1156-FN, relative to local emergency response plans to chemical emergencies. Inexpedient to Legislate.

This bill is not necessary because Civil Defense is directing adequate efforts to solve this problem. Vote 14-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 1004, relative to the renewal of retired physicians' licenses. Inexpedient to Legislate.

The sponsor asked to have this bill reported out of Committee Inexpedient to Legislate after he received further information that education is the key to physicians' filling prescriptions rather than the law. Vote 14-0. Rep. Nancy G. Frank for Health and Human Services.

HB 1076-FN, relative to public accommodation of physically handicapped persons. Refer for Interim Study.

This bill prohibits discrimination against physically handicapped people in places of public accommodation. It also outlines requirements for making buildings accessible to physically handicapped people. The Committee supports the concept of the bill, but feels the language needs technical retooling. Vote 15-0. Rep. Toni Pappas for Health and Human Services.

HB 1047-FN, relative to office supplies and phone call reimbursement for members of the general court. Inexpedient to Legislate.

The Committee feels that the issues raised by this bill are actively being pursued by the current administration. The sponsor of the bill acknowledged the tremendous strides forward made during this Session in providing more resources and staff for the rank and file membership. Furthermore, the sponsor offered assistance to the House Majority and Minority leadership in the pursuit of more cost-effective resources for the membership. Therefore, the Committee unanimously feels this legislation is unnecessary. Vote 11-0. Rep. Vincent J. Palumbo for Legislative Administration.

HB 1046-FN-A, increasing the tax on certain pari-mutuel pools to 2 percent. Ought to Pass with Amendment.

The amendment is a housekeeping measure to correct a section regarding purses that was inadvertently left out last session. Vote 13-0. Rep. Ronald R. Laurion for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the distribution of
tax on pari-mutuel pools.

Amend the bill by replacing all after the enacting clause with the following:

1 Pari-Mutuel Pools. Amend RSA 284:22, I to read as follows:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. [Except as provided in the introductory paragraph of this section] *Notwithstanding any other provision of law*, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10 [(except, with simulcast wagering, in cases where the licensee pays out more than the total amount in the pool, the lowest multiple of 5 shall be used)], known as "breakage", shall be retained by the licensee, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years [1986]

1987 and [1987] 1988 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and 1/2 of the tax received by the state under RSA 284:23, 1; *during the calendar years 1995, 1996, and 1997 only 3/4 of said breakage shall be paid to the state and 1/4 to the licensee.* Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$1,000,000 for each of the calendar years [1986] 1987 and [1987] 1988.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, deletes the exception regarding simulcast racing and extends the requirements that licensees contribute 3/4 of one percent of all pari-mutuel pools to the purse fund and that the purse fund annually shall not exceed \$1,000,000 through 1988.

The amended bill also requires 3/4 of the breakage to be paid to the state and 1/4 to the licensee during the calendar years 1995, 1996, and 1997.

HB 800-FN, relative to special plates for Pearl Harbor veterans. Inexpedient to Legislate.

The Committee is very conscious of the desires of many groups to obtain special number plates in recognition of achievements or services rendered. The members have no intention of overlooking the debt owed to the service personnel who were at Pearl Harbor, but the request made us very aware of the many other groups who were involved in the conflicts following December 7, 1941. Granting plates to one particular group would be unfair to others who would be denied because issuing special plates to so many would be impractical. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

HB 854-FN, relative to special plates for county commissioners. Inexpedient to Legislate.

There was only token support for this legislation. The Committee recognized several problems that would occur in carrying out the requested action. Among them is the fact that the preparation for such a small number of special plates would call for a heavy cost per plate. Discussion at the hearing brought other satisfactory ideas of giving recognition to Commissioners' cars. Vote 12-0. Rep. Richard G. Haynes for Transportation.

The Speaker called for the Special Order.

Rep. Palumbo moved that HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor, be made a Special Order for Tuesday, February 9 at 2:00 p.m.

Adopted.

COMMITTEE REPORTS (Regular Calendar)

HB 862-FN, relative to solid waste disposal and source reduction. Ought to Pass with Amendment.

House Bill 862, as amended, is a landmark bill which addresses New Hampshire's solid waste problems. It focuses on recycling and is supported by the majority of towns and cities of the state. The bill: establishes a state policy of waste reduction and recycling; requires state agencies to use and purchase products made with

recycled materials where feasible; requires municipalities and solid waste districts to establish solid waste disposal plans; authorizes the Department of Environmental Services (DES) to develop an annual grant program with the University of New Hampshire to fund solid waste management research programs; mandates DES to establish and administer a solid waste disposal facility training program; and, directs that each state agency develop comprehensive plans to recycle waste materials. Vote 14-0. Rep. Merle W. Schotanus for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose.

I. It shall be the policy of the state of New Hampshire to manage its solid waste so as to protect human health and the environment. This goal shall be achieved through maximum feasible waste reduction, through recycling, and through application of the best appropriate technology to the design, construction, and operation of waste management facilities. This policy shall include steps to encourage reduction of packaging and the maximum possible use of products made from recycled materials by state agencies. The state acknowledges its responsibilities for leadership in the management of New Hampshire's solid waste, and for encouraging, assisting, and enabling solid waste management districts, municipalities, and other private and public entities in the implementation of this policy.

II. The general court declares the policy of this state to be that, wherever and to the greatest extent feasible, all state agencies shall use and purchase products and supplies containing recycled materials in the performance of all duties and responsibilities assigned those agencies and shall recycle their waste materials.

2 New Paragraph; Definitions. Amend RSA 149-M:1 by inserting after paragraph XXIII the following new paragraph:

XXIV. "Waste reduction" means the reduction of waste at the source by changing industrial processes, technologies, and product components with the specific objective of reducing the generation of waste.

3 New Paragraph; Recycling; Interstate Coordination. Amend RSA 149-M by inserting after paragraph VIII the following new paragraph:

VIII-a. Consult and coordinate with agencies of other states, interstate and federal agencies, and private organizations in the research, development, and implementation of recycling technologies;

4 New Paragraph; Coordination of Marketing of Recyclable Goods. Amend RSA 149-M:3 by inserting after paragraph X the following new paragraph:

X-a. Contract for the coordination of the recovery and marketing of recyclable materials with a non-profit New Hampshire corporation whose primary function is the recycling of solid waste materials for municipalities, solid waste districts, and state agencies.

5 New Paragraph; Technical Assistance To Municipalities. Amend RSA 149-M:8 by inserting after paragraph I the following new paragraph:

I-a. Develop and implement a program of technical assistance and cooperation with municipalities and solid waste management districts;

6 New Subparagraph; Training Program; Rulemaking. Amend RSA 149-M:8, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Establishment and administration of a solid waste facility operation training program pursuant to RSA 149-M:10, III-a;

7 Research Project; Agreement with New Hampshire University System. Amend RSA 149-M:8, III to read as follows:

III. Allocate grants or other funds for implementation of the state plan, [or] for implementation of any district or local solid waste management project consistent with the state plan, *and for development and funding of an annual research project program on solid waste management, recycling, and planning with the university system of New Hampshire;*

8 New Paragraph; Solid Waste Disposal Permits; Training Program Requirement. Amend RSA 149-M:10 by inserting after paragraph III the following new paragraph:

III-a. No person shall operate or construct a public or private facility after the effective date of this paragraph who has not completed a training course established and administered by the division under rules adopted under RSA 541-A. The registration fee for such course shall not exceed \$25 per attendee.

9 Solid Waste Management Plans; Submission Deadline. Amend RSA 149-M:18, IV to read as follows:

IV. Each district shall, by October 1, [1983] 1989, prepare [a schedule for developing] a solid waste management plan which is consistent with the state plan and demonstrates consideration of existing solid waste agreements and environmental and economic factors in the area. The district shall submit the proposed solid waste management plan to the division of waste management and shall submit periodic reports to the division of waste management as required. *If a district has not filed a solid waste disposal plan with the division by October 1, 1989, the state, through the division, shall develop a plan for that district. Upon completion of such plan, the state shall assess the district 125 percent of the costs of development of the plan, which assessment shall be paid to the state by the district within 6 months of the development of such plan.*

10 Solid Waste Disposal Plan Requirements. RSA 149-M:19, I is repealed and reenacted to read as follows:

I. Each plan shall:

(a) Identify the types, weights, and volumes of solid waste generated, including wet and dry cell batteries, used motor oil, tires, septage, sludge, demolition debris, and waste particular to the district or municipality, current and available methods of disposal and treatment, and the types, weights, and volume of recyclable materials that can be recovered and recycled.

(b) Develop future projections of the types, weights, and volumes of waste generated, and the types and amounts of solid waste materials that can be recovered and recycled based on current and future population growth trends.

(c) Identify numbers, types, and capacities of operating facilities in the district or town in compliance with this chapter, and the location, type, and capacity of any proposed facilities.

(d) Establish a process by which those facilities with known or suspected groundwater contamination or emission problems can develop a remedial action plan, including funding requirements and funding mechanisms.

(e) Demonstrate a capacity or implementation plan for disposal for 15 years and an ongoing planning process as required in RSA 149-M:17 for 20 years from the date of filing of the plan. Each such plan shall be reviewed by the division at least once every 5 years from the date of submission.

11 Solid Waste Disposal Plan; Annual Report. Amend RSA 149-M:19, III to read as follows:

III. Each district and [town] *municipality* shall be responsible for demonstrating continuous compliance with its plan as approved by the division of waste management. *Each district and municipality shall file a bi-annual report detailing its compliance with the plan submitted under this chapter.* Should the division of waste management determine that a district or [town] *municipality* is not in compliance, it shall issue a remedial order.

12 New Section; Recycled Products; State Agencies. Amend RSA 21-I by inserting after section 19 the following new section:

21-I:20 Recycled Materials. Each state agency, under the direction of the director, division of plant and property management, shall develop a recycling program including, but not limited to, office paper, newspaper, computer paper, corrugated cardboard, and other identifiable post consumer recycled waste materials.

13 New Paragraphs; Department of Administrative Services; Recycled Materials. Amend RSA 21-I:1-a by inserting after paragraph II the following new paragraphs:

III. "Post consumer recycled waste material" means any product or material generated by businesses or consumers which has served its intended end-use and which has been separated from solid waste for the purpose of recycling and does not include those by-products and materials generated and commonly reused within the original manufacturing process.

IV. "Recycled materials" means post consumer recycled waste materials.

V. "Recycled products" means any product or material that is primarily made from post consumer recycled waste material. Recycled paper products are paper products which have at least 50% recycled fiber content from post consumer recycled waste material.

14 Recycled Products Purchase. Amend RSA 21-I:11, II to read as follows:

II. Purchasing all materials, equipment, supplies, and services for all departments and agencies of the state including contracting for the purchase or rental of data processing equipment, except as otherwise provided by law. Insofar as practicable all such purchases shall be made in such quantities and manner as shall be economical for the state.

(a) The purchasing director, with the assistance of all state agencies, shall cooperate with the generators and managers of waste materials which may be recycled and with the producers of products which use recycled materials to maximize the state's use of those materials and products, particularly where the added cost of using post consumer recycled waste materials rather than virgin materials is less than the cost avoided by not having that waste in the waste system. The goal for the purchase of recycled products shall be at least 15 percent by the end of 1989, 25 percent by the end of 1990, and 40 percent by the end of 1993. For purposes of this paragraph "recycled products" include, but are not limited to, recycled paper products, retreaded automobile tires, re-refined lubricating oil, used automotive parts, reclaimed solvents, recycled asphalt, recycled concrete and compost materials. Not later than January 15 of each odd-numbered year, the director of purchasing shall submit a report to the governor and to the house environment and agriculture committee on the implementation of this paragraph.

(b) Vendors shall include information on the percentage of post consumer recycled waste material content for all responsible bids submitted for paper and other products.

15 Solid Waste Study Committee; Membership; Issues; Compensation; Report.

I. There is established a solid waste study committee to conduct a continuous review of the state's solid waste management plan, and to suggest necessary legislation to address the state's changing solid waste disposal concerns. The committee shall be composed of the following:

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) The commissioner of administrative services, or his designee.

(d) The commissioner of environmental services, or his designee.

(e) One representative of New Hampshire Resource Recovery Association, a non-profit recycling organization, appointed by the governor with the consent of the council.

(f) One member nominated by the New Hampshire Municipal Association, appointed by the governor with the consent of the council.

(g) One member nominated by the New Hampshire Business and Industry Association, appointed by the governor with the consent of the council.

(h) One member representing private environmental organizations in the state, appointed by the governor with the consent of the council.

(i) One representative of the state's solid waste transporters, appointed by the governor with the consent of the council.

II. The members of the committee shall select a chairman from among the members at the initial committee meeting. The committee shall meet at least 3 times each calendar year, or at the call of the chair.

III. The committee shall study the present and future solid waste disposal needs of the state, including, but not limited to, the following:

(a) Develop short-range source reduction goals for districts and municipalities.

(b) Consider state mandated source separation.

(c) Review generic plans and designs for recycling centers.

(d) Enable the purchase of recycling equipment through the state's fleet purchasing program.

(e) Review current solid waste disposal data to determine present and future volumes and types of waste generated, present disposal technologies, and prospects for future developments in solid waste disposal.

(f) Review present and future action plans to determine the best available technology feasible to remedy the state's solid waste disposal problems.

(g) Study packaging of consumer goods.

(h) Investigate equitable means to raise revenues for solid waste management.

(i) Consider potential state action to more effectively assist municipalities and solid waste management districts.

(j) Recommend measures to increase public awareness of solid waste management issues.

IV. The legislative committee members shall be reimbursed for mileage incurred on committee business at the legislative mileage rate, and state employee and private members shall be reimbursed at the state employee mileage rate.

V. The committee shall submit an annual report, including legislative recommendations, to the governor and council, the president of the senate, and the speaker of the house not later than December 1 of each year. If the joint rules of the general court require submission of legislation prior to December 1 of any year, the committee shall submit its legislative recommendations not later than the date established in the joint rules for that year.

16 Training Requirements; Solid Waste Facility Permits. Any person or municipality holding a solid waste facility permit under RSA 149-M:10 prior to the effective date of this act who has not completed a training course comparable to that required by RSA 149-M:10, III-a as inserted by section 9 of this act shall complete such course to the satisfaction of the director, division of waste management, not later than July 1, 1989.

17 Appropriation. There is appropriated to the bureau of solid waste, division of waste management, department of environmental services, the sum of \$1,000,000 for the fiscal year ending June 30, 1989, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

18 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a state policy of waste reduction and recycling to address the state's solid waste disposal problem. The bill requires state agencies to use and purchase products made with recycled material whenever feasible. It also requires municipalities and solid waste management districts to submit solid waste management plans which address solid waste disposal for a period of 20 years.

The bill requires municipalities and solid waste management districts to submit current solid waste management plans to the division of waste management by October 1, 1989. The state will develop plans for those municipalities and districts which do not meet that deadline, and will assess those municipalities and districts 125 percent of the costs incurred by the state in developing such plans.

The bill authorizes the division of waste management to develop an annual grant program with the university system of New Hampshire to fund a research program in the area of solid waste management. The division is also authorized to coordinate with other states, interstate and federal agencies, and private organizations to develop an effective recycling program.

The bill authorizes the division to establish and administer a solid waste facility operation training program. The bill requires municipalities and solid waste management districts to submit annual reports on compliance with their solid waste management plans to the division of waste management, and requires the division to review each solid waste management plan at least once every 5 years.

The bill directs each state agency, under the direction of the division of plant and property management, department of administrative services, to develop a comprehensive plan to recycle waste materials.

Amendment adopted.

Referred to Appropriations.

Rep. Bowler notified the Clerk that she wished to be recorded in favor of the report.

Rep. Palumbo moved that HB 924, to increase the age limit relative to the motor vehicle child restraint requirement, be made a Special Order for Tuesday, February 9 at 1:00 p.m.

Adopted.

HB 995-FN, relative to exemption from the gasoline tax and state license plates. Ought to Pass with Amendment.

The purpose of this bill is to make legal the extension of a procedure that has been in effect for several years. The Committee recognizes the fact that not allowing the extension would impact several existing program budgets. Vote 11-1. Rep. Richard L. Haynes for Transportation.

Amendment

Amend section 3 of the bill by replacing it with the following:
3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 847-FN-A, making a supplemental appropriation for indigent defense. Ought to Pass with Amendment.

This bill, as amended, provides "fast track" funding for indigent defense programs. FY '89 appropriations of \$316,000 for assigned counsel and \$374,927 for contract counsel are transferred to FY '88. A supplemental appropriation of \$612,242 is made for the public defender to ensure continuity of this cost-effective program and to meet increased caseload. The amendment also authorizes an alternate public defender program to handle cases where the lawyers in the current program are precluded from taking clients because of conflict. Additionally, a provision is added to require prosecutors to state at the arraignment whether they intend to charge a misdemeanor as a violation. Vote 19-0. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to indigent defense and making
a supplemental appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Appropriation; Indigent Defenders. In addition to any other sums appropriated to PAU 01,04,01,02,04, the sum of \$690,927 is hereby appropriated to the following classes for the fiscal year ending June 30, 1988, and the sum of \$612,242 is hereby appropriated to the following classes for the fiscal year ending June 30, 1989. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	<u>FY 1988</u>	<u>FY 1989</u>
90 Assigned Counsel	\$316,000	- 0 -
91 Public Defender Program	- 0 -	\$612,242
92 Contract Counsel	374,927	- 0 -
Total	<u>\$690,927</u>	<u>\$612,242</u>

2 New Section; Alternate Public Defender Program. Amend RSA 604-B by inserting after section 7 the following new section:

604-B:8 Alternate Public Defender Program. The state of New Hampshire by the judicial council and with the approval of the governor and council may, in addition to the contract for the public defender program referred to in RSA 604-B:4, contract for an alternate public defender program to represent indigent defendants in circumstances where, because of conflict of interest or otherwise, the public defender program is unable to provide representation to a defendant. The alternate public defender program and the contract between it and the state shall be governed by the provisions of this chapter.

3 Arraignment. Amend RSA 625:9, VI to read as follows:

VI. Prior to or at the time of arraignment, the state may, in its discretion, charge any offense designated a misdemeanor, as defined by paragraph IV, as a violation. *At such time, the prosecutor shall make an affirmative statement to the court as to whether he intends to proceed under this paragraph.* In such cases the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2. This paragraph shall not apply to any offense for which a statute prescribes an enhanced penalty for a subsequent conviction of the same offense.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 1989.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, makes a supplemental appropriation for indigent defenders. The sum of \$690,927 is appropriated for assigned counsel and contract counsel for the fiscal year ending June 30, 1988, and the sum of \$612,242 is appropriated for the public defender program for the fiscal year ending June 30, 1989.

This bill allows the judicial council, with the approval of governor and council, to contract for an alternate public defender program to represent indigent defendants in circumstances where, because of conflict of interest or otherwise, the public defender program is unable to provide representation to the defendant.

The bill also requires the prosecutor, in cases where a charge for a criminal offense is reduced from a misdemeanor to a violation to make an affirmative statement of this reduction of charge at the time of arraignment.

Amendment adopted.

Rep. Sytek offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to indigent defense and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation for Department of Administrative Services; Transfer. Amend 1987, 400:1.01, 04, 01, 02, 04 classes 90, 91 and 92 to read as follows:

	FY 88	FY 89
90 Assigned Counsel F	[450,000]	[316,000]
	766,000	0
91 Public Defender Program F	\$3,000,000	[3,300,000]
		3,912,242
92 Contract Counsel F	[750,000]	[374,927]
	1,124,927	0

2 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.01, 04, 01, 02, 04 to read as follows:

Total	[4,232,145]	[4,023,180]
	4,923,072	3,912,242
Estimated source of funds for indigent defenders	[4,232,145]	[4,023,180]
General Fund	4,923,072	3,912,242
Total	[4,232,145]	[4,023,180]
	4,923,072	3,912,242

3 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of sections 1 and 2 of this act.

4 New Section; Alternate Public Defender Program. Amend RSA 604-B by inserting after section 7 the following new section:

604-B:8 Alternate Public Defender Program. The state of New Hampshire by the judicial council and with the approval of the governor and council may, in addition to the contract for the public defender program referred to in RSA 604-B:4, contract for an alternate public

defender program to represent indigent defendants in circumstances where, because of conflict of interest or otherwise, the public defender program is unable to provide representation to a defendant. The alternate public defender program and the contract between it and the state shall be governed by the provisions of this chapter.

5 Arraignment. Amend RSA 625:9, VI to read as follows:

VI. Prior to or at the time of arraignment, the state may, in its discretion, charge any offense designated a misdemeanor, as defined by paragraph IV, as a violation. *At such time, the prosecutor shall make an affirmative statement to the court as to whether he intends to proceed under this paragraph.* In such cases the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2. This paragraph shall not apply to any offense for which a statute prescribes an enhanced penalty for a subsequent conviction of the same offense.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 1989.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, transfers appropriations to the department of administrative services for assigned counsel and contract counsel from fiscal year 1989 to fiscal year 1988. This bill also makes a supplemental appropriation of \$612,242 for the public defender program for fiscal year 1989.

This bill allows the judicial council, with the approval of governor and council, to contract for an alternate public defender program to represent indigent defendants in circumstances where, because of conflict of interest or otherwise, the public defender program is unable to provide representation to the defendant.

The bill also requires the prosecutor, in cases where a charge for a criminal offense is reduced from a misdemeanor to a violation to make an affirmative statement of this reduction of charge at the time of arraignment.

Rep. Sytek explained the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 9 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 762-FN-A, making supplemental appropriations to the fish and game department.

HB 847-FN-A, relative to indigent defense and making an appropriation therefor.

HB 893-FN-A, making a supplemental appropriation to the fish and game department.

HB 770-FN, relative to loan scam operators.

HB 774-FN, relative to the New Hampshire municipal bond bank.

HB 1046-FN-A, relative to the distribution of tax on pari-mutuel pools.

HB 995-FN, relative to exemption from the gasoline tax and state license plates.

Rep. Hager moved that the House adjourn.

Adopted.

The House adjourned at 2:15 p.m.

HOUSE JOURNAL 10

Tuesday, 9Feb88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God of winners and runners-up, the bright lights and cameras now focus on our small state. What we say and do in the next few days is considered newsworthy by the whole nation. We hope you'll forgive us if we act a bit proud of ourselves.

At the same time, remind us that fame is fleeting. What matters most is our faithfulness when no one is watching -- as we wrestle with the issues, some of which are weighty and some that seem to be of no consequence.

Holy One, give us the sense that our daily work does matter, that our common labors are important. For long after the gaze of the nation has turned elsewhere, we will still be here, caring for the people and the needs of our state. Amen.

Rep. Seward led the Pledge of Allegiance.

Reps. Palumbo and Chambers moved that the Senate be notified that the House of Representatives is ready to meet in Joint Convention at 1:20 p.m. for the purpose of hearing an address by Sen. Robert Dole.

Adopted.

LEAVES OF ABSENCE

Reps. Lemire, Malcolm Harrington, McManus, Ann Derosier, Russell Chase, Purrington, Sherburne, Donna Kelly, Clark, Pevear and Lussier, the day, illness.

Reps. Frechette, Coulombe, William Dion, Olimpio, Robert Hayes, Paul Dionne, Gosselin, Gagnon, Lawrence Richardson and Cusson, the day, important business.

Reps. Wood and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Glen, Betsy, Douglas and Sarah Heath, guests of the House; Trudy McAtavey, guest of Rep. Robert Jones, members from the Health Care Public Relations Exchange of New Hampshire, guests of the House; Elizabeth Hosmer and students from the Kimball Dewey School 4th grade, guests of Rep. Vanderlosk; Michael Dellisola, Murali Sastry, Stephen Gagnon and Edward Palleschi, guests of Rep. Carl Anderson; Ines Ferriter and Dorothy Flint, guests of Rep. Flint; Dixon Leslie, Forestry Instructor and students, Cricket Beattie and Rich Wilson from the White Mountain High School; Mr. and Mrs. Jack MacNeil, daughter and son-in-law of Rep. Austin; Rene Redell and Stella and Carl Scamman, guest and family of the Speaker.

JOINT CONVENTION
(Speaker presiding)

INTRODUCTION OF GUESTS

Senator Kassebaum, Senator Rudman, Senator Domenici, Senator Grassley, Senator Brock, Councilors Spaulding, Burton and Griffin, Elizabeth and Robin Dole and Richard Upton, guests of the Joint Convention.

HOUSE

(Deputy Speaker Burns in the Chair)

Rep. Bates moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 736, relative to voter addresses on checklists, was removed at the request of Rep. Pierce.

HB 771, relative to the election of Hillsborough county commissioners, and HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists, were removed at the request of Rep. Granger.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 731, relative to applications to vote for overseas voters. Ought to Pass.

This bill provides that an absentee voter whose address is outside the Continental United States, an overseas voter and an Armed Service voter must only file one application in order to vote in both a primary and general election. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 735, relative to instructions to voters for straight ticket voting. Refer for Interim Study.

Although the Committee feels that this bill might clarify confusion with respect to a voter's ability to except certain candidates from a straight ticket ballot, there was considerable question raised concerning the effect of this bill's passage on voting machine procedures, as well as the possibility of its resulting in fewer valid ballots. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 753, reinstating the charter of Bethlehem Mink Farm, Inc. Ought to Pass.

Due to the death of the owner and the reorganization of the business the charter was overlooked. The Committee recommends reinstatement. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization. Ought to Pass.

The Committee recommends the charter of the Fuller Foundation be reinstated. This helps keep up the beautiful rose gardens. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 802, relative to the Trustees of the New Hampshire Annual Conference of the United Methodist Church. Inexpedient to Legislate.

Since the Secretary of State's Office can deal with this matter, the Committee feels that this bill is unnecessary. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 810-FN, relative to overseas voters. Ought to Pass.

This bill clarifies which persons are overseas voters. Now it covers Mexico, Canada or any other country outside the Continental United States. Also, it adds an affidavit procedure for unregistered overseas voters for federal election absentee ballots. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 1013, permitting notary publics and justices of the peace to register voters. Inexpedient to Legislate.

This bill would be a hardship for notaries and justices for they have no set hours and the responsibility of forwarding the registrations to the supervisors of the checklist is asking a great deal. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 737, relative to appointing alternates for school board members on municipal budget committees. Ought to Pass.

House Bill 737 is enabling legislation for school boards. It would allow school boards to choose a representative and alternate to the municipal budget committee, with the alternate having the same voting privileges as the representative. The present law does not say you can have an alternate, so the choice is left up to the individual budget committee chairman. Some chairmen in the state allow an alternate; some do not. HB 737 clears up this confusion and allows a school board to make the choice of whether to have an alternate or not. There was no confusion in the Education Committee that this bill should be Ought to Pass as shown by their unanimous vote. Vote 12-0. Rep. E. Jane Walker for Education.

HB 838, relative to commemorating Constitution Day in public schools. Inexpedient to Legislate.

There is no compelling need for HB 838 commemorating Constitution Day in public schools. The study of the United States and State Constitutions is required curriculum in our schools. The State Department of Education presented examples of materials available and used. With the approaching Bicentennial of the United States Constitution celebration added emphasis has been placed on commemoration. Vote 11-0. Rep. Patricia M. Skinner for Education.

HB 1032-FN, relative to athlete agents. Inexpedient to Legislate.

This measure regulating athlete agents who recruit college athletes for professional sports teams should be addressed and further pursued on the federal level. There is no pressing need for a regulation of this sort in the State of New Hampshire. The Committee held a lengthy hearing on this bill. Vote 11-0. Rep. Mable G. Cutting for Education.

HR 52, relative to kindergarten. Ought to Pass.

This House Resolution recognizes kindergarten as an "advantageous part of a child's total educational experience in New Hampshire" and encourages its implementation "wherever possible." Vote 11-0. Rep. Jacquelyn Domaingue for Education.

HB 849-FN, relative to claims against the state. Ought to Pass with Amendment.

This bill allows employees of the state to recover property damages from the state which occur during the performance of their duties. Vote 17-0. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Definition of Claim. Amend RSA 541-B:1, II-a to read as follows:

II-a. "Claim" means any request for monetary relief for *either:*

(a) Bodily injury, personal injury, death or property damages caused by the failure of the state or state officers, trustees, officials, employees, or members of the general court to follow the appropriate standard of care when that duty was owed to the person making the claim [as used in this section, "claim" shall include], *including* any right of action for money damages which either expressly or by implication arises from any law, unless another remedy for such claim is expressly provided by law; or

(b) *Property damages suffered by a state employee or official during the performance of that employee's or official's duties while on state business where compensation is appropriate under principles of equity and good conscience.*

HB 878-FN, establishing a committee to study the health care benefits of retired policemen and firemen. Ought to Pass with Amendment. This bill establishes a committee to study the problems of health insurance for retired Group II members. As amended, it requires that if the study committee recommends any new benefits, it also provide an actuarial study of the costs, and funds the actuarial study from the Group II portion of the special account. Vote 16-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Duties. The committee shall study health care benefits currently allowed and determine the sufficiency of such benefits for retired policemen and firemen. The committee shall also consider whether and in what manner additional benefits ought to be provided to such persons by the state or any of its political subdivisions. If the committee recommends additional health care benefits it shall provide an actuarial determination of the projected short-term and long-term costs of such benefits.

3 Compensation. Members of the study committee shall serve without compensation except that the legislative members and the retirement system board of trustees member shall receive mileage at the legislative or retirement system rate respectively, when attending to the duties of the committee.

4 Report. The committee shall report its findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than October 1, 1988, with proposed legislation for the 1989 legislative session.

5 Funding. The cost of any actuarial study required by the committee pursuant to section 2 of this act shall be funded from the group II portion of the special account created by RSA 100-A:16, II(h).

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a study committee to examine and determine the sufficiency of health care benefits afforded retired policemen and firemen.

The bill requires the committee to submit its report together with recommendations for proposed legislation to the speaker of the house, the president of the senate and the governor no later than October 1, 1988.

The bill, as amended, requires an actuarial determination of projected costs if the committee recommends additional health care benefits. The cost of such actuarial study shall be funded from the group II portion of the special account created by RSA 100-A:16, II(h).

Referred to Appropriations.

HB 908-FN, relative to the salary of the superintendent of the Glencliff home for the elderly. Inexpedient to Legislate.

There is evidence that the Superintendent, Glencliff Home for the Elderly, should be reclassified to Group N, instead of Group M. The Committee feels that no change in classification should be made on salary for unclassified employees until the unclassified employees' salary study is completed. Unclassified employees will receive a 3% salary increase on June 6, 1988 and another 3% salary increase on December 16, 1988. Vote 15-1. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 1048-FN, relative to medical and health insurance coverage for retired non-state group I and group II New Hampshire retirement system members. Ought to Pass with Amendment.

This bill provides that employees of every political subdivision that provides for its active employees any group health insurance or group health care plan, including but not limited to hospitalization, hospital medical care, surgical care, dental care, or other group medical or health care plan, upon retirement shall be allowed to continue to participate in the same health care group or plan as its active employees. Vote 16-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to health care benefits for retired employees
of political subdivisions.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Health Benefits and Insurance Coverage. Amend RSA 100-A by inserting after section 28-b the following new sections:
100-A:28-c Health Benefits.

I. Every political subdivision of the state that provides for its active employees any group health insurance or group health care plan, including but not limited to hospitalization, hospital medical care, surgical care, dental care, or other group medical or health care plan, shall permit its employees upon retirement to continue to participate in the same health care group or plan as its active employees. Coverage for spouses and other family members of retirees shall also be permitted to the extent that coverage is provided for the spouses and other family members of active employees. Present retirees not covered shall be permitted to rejoin the active employee health insurance or health care group whenever this is permitted by the insurer.

II. Each political subdivision may elect to pay the full cost of group health insurance or health care coverage for its retirees, or

may require each retiree to pay any part or all of the cost of the retiree's participation.

100-A:28-d Medical and Health Insurance Coverage. Upon request in writing of any retired former policeman, fireman, teacher, or employee member or beneficiary of the New Hampshire retirement system, who is retired from employment with a political subdivision of the state and who participates in a group health insurance or health care plan under the sponsorship of the political subdivision, the retirement system shall deduct from the monthly retirement allowance of such retired member or beneficiary the cost to the retiree or beneficiary of such health insurance or health care coverage. The amounts so deducted shall be paid over by the retirement system for the benefit of the retiree or beneficiary, either directly to the insurer or health care provider or to the political subdivision, as may be determined by agreement between the board of trustees of the retirement system and the political subdivision.

2 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

As amended, this bill requires every political subdivision of the state that provides for its active employees any group health insurance or group health care plan, to permit its employees upon retirement to continue to participate in the same health care group or plan as its active employees.

Under this bill, as amended, each political subdivision may elect to pay the full cost of group health insurance or health care coverage for its retirees, or may require each retiree to pay any part or all of the cost of the retiree's participation.

Referred to Appropriations.

HB 1050-FN, relative to death benefits for beneficiaries of group II members. Ought to Pass with Amendment.

The intent of this bill is to change the lump sum death benefit from \$3,600 to \$10,000 for Group II members of the New Hampshire Retirement System. It affects Group II members who retire after July 1, 1988 only. Vote 15-0. Rep. Lawrence Richardson for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Lump Sum Payment on Group II Member's Death. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a retired group II member who retired on or after April 1, 1987, after the member's retirement allowance payments have commenced, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600[, *if the member retired before July 1, 1988, or \$10,000 if the member retired on or after July 1, 1988,* and there shall be paid to the member's surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. [This allowance shall be in addition to the lump sum payment of \$3,600.]

2 Funding. Notwithstanding any provisions of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 1 of this act for group II members in service on April 1, 1988, shall be terminally funded from the special

account created by RSA 100-A:16, II(h). The actuarial cost of providing such additional benefits to persons who become group II members after April 1, 1988, shall be funded as provided in RSA 100-A:16, II(b), (d) and (e).

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill changes the lump sum payment made upon a group II member's death after retirement. The lump sum payment is \$3,600 if the member retired before July 1, 1988, and \$10,000 if the member retired on or after July 1, 1988.

Referred to Appropriations.

HB 1074-FN, relative to prior service credit for the retirement system. Ought to Pass.

This bill revises a section of present law on buying-in for prior service credit in the New Hampshire Retirement System and clarifies the requirements as to who may buy in. Vote 15-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Referred to Appropriations.

HB 818, relative to the taking of trout. Ought to Pass with Amendment.

This bill allows the taking of brown trout at night in certain designated streams. Presently, brown trout can be taken only during daylight hours. The amendment removes redundancy and clarifies that other species of fish that can presently be taken at night can continue to be taken at night. Vote 13-0. Rep. Jack H. Schofield for Fish and Game.

Amendment

Amend RSA 211:2-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding the provisions of paragraph I, the executive director may adopt rules under RSA 541-A designating certain streams, or the parts thereof, where brown trout may be taken between 2 hours after sunset to one hour before sunrise.

AMENDED ANALYSIS

This bill, as amended, removes the provision requiring consent of the commission and removes the word "only" relative to the taking of brown trout.

HB 793-FN, requiring that a child's blood type be included on the birth certificate. Inexpedient to Legislate.

The main intent of this bill was to provide identification of children who are subjects of foul play by determining their blood type at birth for future reference. Unfortunately, when these victims are found, typing is rarely possible and at best would disprove a specific identification. The Committee did not feel this added expense would be worthwhile in view of these limitations. Vote 20-0. Rep. Robert F. Wilson for Health and Human Services.

HB 797, relative to regulation of restaurants. Ought to Pass with Amendment.

This bill would clear up the RSAs which regulate restaurants and see to it that local officers can enforce the regulations properly. Vote 14-0. Rep. Nancy G. Frank for Health and Human Services.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to regulating the sanitary
conditions of restaurants.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 31:39, I(j), relative to town bylaws regulating the sanitary conditions of restaurants, is repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, repeals the authority of towns to make bylaws regulating the sanitary conditions of restaurants within town limits.

Current law provides that local health officers make regulations regarding health and sanitary conditions of restaurants under RSA 147.

HB 875-FN, establishing a committee to study employment conditions at human services care providers contracting with the state. Ought to Pass.

The Committee has listened to many bills which identify a gigantic problem in securing qualified staff in larger numbers to meet needs of clients who have special needs. This bill is an attempt to pool the resources and approaches used in examining the problems in locating and employing persons for the field of human services. The vote indicates our commitment to try and solve this urgent problem. You and I may be in such need before we realize it. Vote 14-0. Rep. Katherine D. Foster for Health and Human Services.

HB 977-FN, relative to a feasibility study of an electronic benefit account system for welfare recipients. Inexpedient to Legislate.

This bill would authorize a feasibility study of an electronic benefit account system for welfare recipients. The original sponsor is no longer a member of this legislature. The co-sponsor was unaware that the Department of Health and Human Services had been conducting a study of the matter for several years and did not need authorization for the study. Vote 12-0. Rep. Robert F. Wilson for Health and Human Services.

HB 936, relative to discoverability of risk in product liability actions. Ought to Pass.

This bill establishes an affirmative, "state of the art" defense in product liability cases. This law was in effect in New Hampshire until the section in which it was contained was declared unconstitutional for other reasons. The bill is a result of the Tort Commission's Report. Vote 15-0. Rep. Thomas U. Gage for Judiciary.

HB 1005, relative to vicious dogs. Refer for Interim Study.

This bill deals with the same subject matter as SB 324 which is currently in interim study. The bill, as currently written, needs more work to avoid future legal problems. Statutory definition is needed to describe a vicious dog. Persons having expertise in this field have offered services to work on this bill in interim study. Vote 15-0. Rep. C. William Johnson for Judiciary.

HB 827-FN, relative to health screening for members of the general court. Ought to Pass with Amendment.

This bill provides for health screening for legislative members every other year, instead of every year, as the statute now requires. In testimony the Division of Public Health Services indicated that it is more cost effective if the health screening is held every two years. Vote 11-0. Rep. Mary Ann Lewis for Legislative Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Biennial Health Screening. Amend RSA 14-A:4 to read as follows:

14-A:4 Members Entitled to Health Screening. [As early as feasible during each regular legislative session,] *Every two years*, the division of public health services of the department of health and [welfare] *human services* shall provide, at no charge, health screening to be conducted at the state house for each member of the general court who chooses to receive it. Such screening shall include oral cancer, diabetes, glaucoma, hypertension and nutritional counseling. The speaker of the house and the president of the senate shall [arrange] *determine* the *date*, time and place for administering these examinations.

2 Effective Date. This act shall take effect upon passage.

HB 900, extending the reporting dates for the study committee to examine the cooperative extension service and the fire law study committee. Ought to Pass.

This bill extends the reporting date of the Committee Studying the Cooperative Extension Service from September 15, 1987 to September 15, 1988, and extends the reporting date of the Committee Reviewing Existing Fire Laws from December 1, 1987 to December 1, 1988. The testimony presented indicated that the University of New Hampshire was also preparing a study and the Committee would like to work with them as a joint effort. Vote 11-0. Rep. Mary Ann Lewis for Legislative Administration.

HB 945, relative to the administrative procedure act. Ought to Pass with Amendment.

The Joint Legislative Committee on Administrative Rules (JLCAR), after consultation with state agencies has proposed several amendments to the Administrative Procedure Act (APA). Among these are a clarification of the interim rule section: rotating chairmanship of the JLCAR between the House and Senate biennially and a CLEAR statement that 6 members constitute a quorum. Vote 12-0. Rep. James D. Phelps for Legislative Administration.

Amendment

Amend the bill by replacing all after section 5 with the following:

6 Emergency Rules; Time Limit. Amend RSA 541-A:3-g, II to read as follows:

II. Emergency rules adopted under this section shall not remain in effect for more than [90] 120 days from the date of filing with the director of legislative services. An agency may propose a permanent rule on the same subject at the same time that it adopts an emergency rule, but it shall not adopt the same emergency rule when the emergency rule expires.

7 Interim Rules. Amend RSA 541-A:3-j, I to read as follows:

I. An agency may adopt as an interim rule any rule which is designed solely to bring the language of an existing rule into conformity with:

(a) A *new or amended* statute [which has been enacted or amended since the adoption of the existing rule in order to make the existing rule consistent with the wording of the statute];

(b) A controlling judicial decision; or

(c) A federal requirement which must be met sooner than the time periods *allowed under* [of] RSA 541-A [allow].

8 Interim Rules. Amend RSA 541-A:3-j, III, IV, and V to read as follows:

III. An agency may adopt an interim rule without meeting the requirements of RSA 541-A:3-a through RSA 541-A:3-d, provided the agency:

(a) gives notice of its intent *to file a proposed interim rule* in a newspaper of daily statewide circulation *or the rulemaking register* at least 7 days in advance of filing the *proposed interim rule* with the committee for review under RSA 541-A:3-e; and

(b) files the [notice] *proposed interim rule* with the committee, [and] the legislative budget assistant, and the director of legislative services.

IV. [An] *A proposed interim rule* shall be [filed as a final proposal for] *subject to* committee review under RSA 541-A:3-e, and shall be reviewed by the committee as if it were a final proposal. *The committee shall consider a proposed interim rule at its first regularly scheduled committee meeting following the date on which the rule is filed under subparagraph III(b) of this section or at a special meeting as determined by the committee. The committee shall not consider a proposed interim rule unless the final text of the proposed interim rule has been filed with the committee for at least 7 days prior to such consideration. The committee may consider a proposed interim rule which was filed fewer than 7 days prior to such consideration only if at least 6 members of the committee vote to do so.* In addition to the criteria listed in RSA 541-A:3-e, IV(a) - (c) the committee may object to an interim rule on the basis it does not meet the requirements of paragraph I or II, provided that an agency shall not adopt an interim rule over the committee's objection, and provided further that such objection shall not preclude allowing the agency to adopt the substance of an interim rule by meeting the requirements of RSA 541-A:3. *The committee shall not object to a proposed interim rule on the basis of an inadequate fiscal impact statement.*

IV-a. *If an agency chooses to give notice of its intent to propose an interim rule through a newspaper notice that notice shall include:*

(a) *the name and address of the agency;*

(b) *the statutory authority for the rule;*

(c) *the rule number and title;*

(d) *a concise summary explaining the effect of the rule;*

(e) *a listing of people, enterprises, and government agencies affected by the rule; and*

(f) *the name, address and telephone number of an individual in the agency able to answer questions on the proposed rule.*

V. An interim rule shall become effective upon filing with the director of legislative services; however, no interim rule shall be accepted for filing unless it has been approved by the committee.

Interim rules shall be effective for a period not to exceed [90] 120 days. During the time an interim rule is in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt the interim rule again as an interim rule when the interim rule expires.

9 New Section; Rulemaking Prior to Effective Date of Statutory Authority. Amend RSA 541-A by inserting after section 3-j the following new section:

541-A:3-k Initiating Rulemaking Prior to Effective Date of Statutory Authority. After the enactment and before the effective date of any statute granting rulemaking authority, the agency to whom such authority is granted may initiate procedures to adopt such rules; provided that the final adoption of any rule shall not occur before the effective date of the act granting statutory authority for that rule.

10 Joint Rules Committee, Chairmanship. Amend RSA 541-A:11, I to read as follows:

I. There is hereby created a joint legislative committee to be known as the legislative committee on administrative rules. The legislative committee on administrative rules shall be composed of 10 members of the general court to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; and 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party. The committee shall elect a chairman and a vice-chairman from among its members, *provided that the chairmanship shall rotate biennially between the house and senate members.*

11 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies various provisions of the administrative procedure act, including sections regarding the notice period for proposed rules, the filing deadline for proposed rules, review procedures for proposed rules, interim rules, and procedures for final proposals.

The bill also includes provisions for the expiration and repeal of emergency rules, committee consideration of interim rules, notice requirements for interim rules, and the chairmanship of the joint administrative rules committee.

The bill, as amended, changes the duration of interim and emergency rules from 90 days to 120 days.

The bill also specifies that agencies may initiate rulemaking proceedings before the effective date, but after enactment, of the statutory authority for those rules.

HB 1062-FN, extending the reporting date for the advisory committee on state economic development and local population growth. Ought to Pass. This bill extends the reporting deadline for the Advisory Committee on State Economic Development and Local Population Growth from December 31, 1987 to December 31, 1988. Vote 11-0. Rep. Mary Ann Lewis for Legislative Administration.

HB 1131-FN, prohibiting the involuntary release from employment of a member of the legislature for attending a legislative session. Inexpedient to Legislate.

The Committee felt that this bill did not address the problem properly. There was no consideration given small companies. In some cases union contracts take care of this. Employers and employees

have to find ways to work out their differences without legislation. Vote 12-0. Rep. Lynn C. Horton for Legislative Administration.

HB 1161, relative to health insurance for members of the general court. Ought to Pass with Amendment.

This is permissive legislation which allows a legislator to elect to remain in the New Hampshire General Court insurance program, after the member ceases to be a legislator. The legislator must apply, not later than 30 days after cessation of eligibility, to continue in the insurance program, at the individual's expense; there is no cost to the state. Vote 12-0. Rep. Richardson D. Benton for Legislative Administration.

Amendment

Amend RSA 14-A:6 as inserted by section 1 of the bill by replacing it with the following:

14-A:6 Group Insurance Participation. Members of the general court who have participated in a group health insurance arrangement for members of the general court during their tenure in office, shall elect, within 30 days after they leave the general court, either to continue to participate fully in that arrangement for as long as they choose to do so at their own expense, or to discontinue their participation.

AMENDED ANALYSIS

This bill, as amended, allows members of the general court who participate in a group health insurance arrangement available through the general court to continue to participate in that arrangement at their own expense after they leave the legislature.

HJR 4, relative to New Hampshire's commitment to equality. Inexpedient to Legislate.

The New Hampshire Constitution and the laws of our state are strongly committed to openness, equality and fairness. The New Hampshire General Court continually reaffirms this commitment through its legislative actions, decorum and respect for each other and constituents as well as respect and congeniality for guests to its great state. There exists no need for a resolution directed at the New Hampshire primary and New Hampshire's role in the selection of our next president. The Committee unanimously feels that there is no necessity for this resolution. Vote 12-0. Rep. Vincent J. Palumbo for Legislative Administration.

HB 738, relative to "for sale" signs in manufactured housing parks. Inexpedient to Legislate.

The intent of HB 738 is taken care of in HB 912. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 739, relative to appeals from the denial of building permits in municipalities without zoning ordinances. Ought to Pass with Amendment. This bill, as amended, corrects a technical mistake in RSA 677, which governs the re-hearing process in municipalities where there is no zoning board of adjustment. It provides that the local governing body, i.e. board of supervisors, may establish a board of appeals. Vote 14-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by replacing all after section 3 with the following:

4 Board of Appeals. Amend RSA 677:2 to read as follows:

677:2 Motion for Rehearing of Board of Adjustment, *Board of Appeals*, and Local Legislative Body Decisions. Within 20 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a *board of appeals* in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a *board of appeals*, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

5 Board of Appeals. Amend RSA 677:3 to read as follows:

677:3 Rehearing by Board of Adjustment, *Board of Appeals*, or Local Legislative Body.

I. A motion for rehearing made under RSA 677:2 shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the zoning board of adjustment, a *board of appeals*, or the local legislative body shall be taken unless the appellant shall have made application for rehearing as provided in RSA 677:2; and, when such application shall have been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown shall allow the appellant to specify additional grounds.

II. Upon the filing of a motion for a rehearing, the board of adjustment, a *board of appeals*, or the local legislative body shall within 10 days either grant or deny the application, or suspend the order or decision complained of pending further consideration. Any order of suspension may be upon such terms and conditions as the board of adjustment, a *board of appeals*, or the local legislative body may prescribe. If the motion for rehearing is against a decision of the local legislative body and if the selectmen, as provided in RSA 677:2, shall have called a special town meeting within 25 days from the receipt of an application for a rehearing, the town shall grant or deny the same or suspend the order or decision complained of pending further consideration; and any order of suspension may be upon such terms and conditions as the town may prescribe.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, replaces the local legislative body with the local governing body as the body which designates a board of appeals to act as a zoning board of adjustment in towns and village districts without zoning ordinances. The bill also makes a reference change concerning decisions by a board of appeals on the erection of buildings and rehearsings, and specifies that RSA 674:41 shall supersede inconsistent local ordinances, codes, or regulations.

HB 829, relative to the definition of manufactured housing park. Inexpedient to Legislate.

Although this bill appears to be a simple modification of definition of "Manufactured Housing Park"; it was the opinion of the Committee,

after hearing testimony, that it could be regarded as a major policy change and a backdoor approach to zoning. Vote 15-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 909, relative to responsibility for tenants' property taxes in manufactured housing parks. Inexpedient to Legislate.

All testimony opposed this bill. The bill would place a burden on tax collectors. Vote 15-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 910, relative to manufactured housing deeds. Inexpedient to Legislate.

The present law regarding deeds for manufactured homes seems to be working well. Any change, as envisioned by HB 910, would not be beneficial. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 913-FN-A, requiring permits for rental lots in manufactured housing parks, establishing a manufactured housing section within the department of justice, and continually appropriating permit fees and penalties to a manufactured housing fund. Inexpedient to Legislate.

The testimony on HB 913 did not show complaints sufficient to cause the establishment of a new office in the Attorney General's Office. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 944, enabling towns to hold special meetings to purchase land for conservation purposes. Ought to Pass with Amendment.

This is enabling legislation allowing towns having established a conservation commission to hold special meetings to raise and appropriate money to purchase land or water rights for conservation purposes upon an affirmative vote of a town meeting. Vote 15-0. Rep. Leona Dykstra for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

enabling towns to hold special meetings to appropriate money for the purchase of land for conservation purposes.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation for Additional Purpose Authorized. Amend RSA 36-A:5, I to read as follows:

I. A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of money so appropriated in any year [and], any gifts of money received pursuant to RSA 36-A:4, and any funds appropriated at a special meeting pursuant to RSA 36-A:7 and 36-A:8 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting.

2 New Sections; Special Meeting to Appropriate Money for the Purchase of Land. Amend RSA 36-A by inserting after section 6 the following new sections:

36-A:7 Method of Purchase by Special Meeting. Each town and village district which adopts the provisions of RSA 36-A:8 is authorized to hold a special meeting or meetings in order to raise and appropriate money to

the conservation fund, as provided in RSA 36-A:5, to be used for the purchase of rights to or any interest in land or water recommended by the commission under RSA 36-A:4 for the purpose of utilizing and protecting natural resources and for protecting watershed resources. Notwithstanding the provisions of RSA 31:5, a special town meeting called by the local governing body for the purposes of this section shall be held in accordance with the provisions of RSA 39.

36-A:8 Procedure for Adoption.

I. A town desiring to adopt the provisions of RSA 36-A:7 may have the question placed on the warrant for a town meeting at which town officers are elected in the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

(a) For a town which has an official ballot for the election of officers, the officer who prepares the ballot shall place the question on such official ballot as it appears in subparagraph (c).

(b) For a town which does not have an official ballot for the election of officers, the clerk shall prepare a ballot in the form as provided in subparagraph (c).

(c) The wording on the ballot of any referendum for the adoption of RSA 36-A:7 shall be as follows: "Shall we adopt the provisions of RSA 36-A:7 authorizing a town to hold a special meeting in order to raise and appropriate money for the purchase of rights to or any interest in land or water recommended by the conservation commission for the purpose of utilizing and protecting natural resources and for protecting watershed resources?"

(d) Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question. The voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question, the ballot shall not be counted on the question.

II. Upon approval of the question by a majority of those voting on the question, the provisions of RSA 36-A:7 shall be deemed to have been adopted and shall take effect upon the date of the affirmative vote.

III. If after adoption of the provisions of RSA 36-A:7, any town desires to rescind its adoption, it may do so by referendum pursuant to paragraph I, by changing the word "adopt" to read "rescind" in the question on the referendum. The action to rescind shall become effective upon the date of such vote.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, enables towns, upon an affirmative vote at a town meeting, to hold special meetings in order to raise and appropriate money for the purchase rights to or any interest in land or water recommended by the conservation commission for the purpose of utilizing and protecting natural resources and for protecting watershed resources.

HB 957, relative to the powers of the Hooksett charter commission. Inexpedient to Legislate.

This bill was voted Inexpedient at the request of the sponsor. Vote 12-0. Rep. John S. Barnes for Municipal and County Government.

HB 1007-FN, relative to the date when municipalities must make tax payments to counties. Ought to Pass.

This bill provides that if the due date for payment of the county tax falls on a Saturday or Sunday or legal holiday, then the due date for the payment shall be the first business day following. Vote 15-0. Rep. George M. West for Municipal and County Government.

HB 1105-FN, authorizing the city of Concord to finance a new facility for the Concord district court to be leased to the state. Inexpedient to Legislate.

Two other bills (HBs 990 and 564) address the specific and overall concepts contained in HB 1105. HB 990, amended by the House and now in Appropriations, allocates \$200,000 for planning and design of a new facility for the Concord District Court. House Bill 564, authorizing any city or town to issue revenue bonds, was passed by the House last month upon recommendation of the Municipal and County Government Committee. Vote 18-0. Rep. James A. Chandler for Public Works.

SB 246, relative to the sale of liquor in convention centers and first class ballrooms. Ought to Pass.

Senate Bill 246 amends the current law to allow 18 to 21 year old people to be in attendance at first class ballrooms and convention centers as they are allowed at other licensed establishments. When the law was enacted to raise the drinking age to 21, this portion of SB 246 was overlooked.

The current law would allow persons younger than 18 to be in attendance if accompanied by a guardian, but 18-21 year olds cannot be in attendance at all at these convention centers and first class ballrooms.

The Regulated Revenues Committee unanimously supports these changes to bring attendance at these facilities in line with all other licensed establishments. Vote 16-0. Rep. Robert N. Kelley for Regulated Revenues.

SB 329-FN, establishing a study committee to study Monte Carlo nights, Las Vegas nights, bingo games, and lucky 7. Inexpedient to Legislate.

No members of the public appeared in support of this bill to establish a study committee on Lucky 7, BINGO, Las Vegas nights and Monte Carlo nights. Specific problems were not identified by the Department of Safety to support this legislation.

Monte Carlo and Las Vegas nights are controlled on the local level and Committee members were not aware of any problems there. These games are not weekly events as are BINGO games.

There appears to be no need to study BINGO and Lucky 7 anymore than the ongoing review that any proposed legislation evokes.

The Committee does not support another study committee at this time, unless stronger need is pointedly evident. Vote 17-0. Rep. Betsy McKinney for Regulated Revenues.

HB 923, relative to dredging on great ponds. Ought to Pass with Amendment.

This bill was recommitted to the Resources Committee to clear up ambiguous language in the bill. The new amendment has been reviewed with the Attorney General's Office which concurs in the changes made by the Committee. Vote 14-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

Amendment

Amend RSA 488-A:1, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) [Minor projects or minor improvements as allowed in] *Projects classified as minor or minimum impact under rules adopted by the wetlands board under RSA 483-A:4-a which exclusively involve excavation or dredging within a great pond, and no other associated major project activities requiring a permit pursuant to RSA 483-A.*

HB 980-FN, relative to penalties for sewage treatment violations. Ought to Pass with Amendment.

This bill provides municipalities the authority to impose civil penalty of up to \$10,000 per day for violation of any sewer ordinance or bylaw adopted by the municipalities. Further, the bill provides for fines of up to \$25,000 per day or 6 months imprisonment or both for willful or negligent violation of sewer ordinances or bylaws. This permits municipalities to impose penalties at the same level as the State of New Hampshire which should assist communities in enforcing ordinances and bylaws far more effectively. Vote 14-0. Rep. William H. McCann for Resources, Recreation and Development.

Amendment

Amend the bill by replacing section 1 with the following:

1 Penalty. RSA 149-I:6 is repealed and reenacted to read as follows: 149-I:6 Bylaws and Ordinances.

I. In municipalities where the sewage is pumped or treated, the mayor and aldermen may adopt such ordinances and bylaws relating to the system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

III. Any person who wilfully or negligently violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be guilty of a misdemeanor, and, notwithstanding the provisions of title LXII, shall be subject to a fine of not more than \$25,000 for each day of such violation or imprisonment for not more than 6 months, or both.

IV. A municipality shall give notice of the alleged violation to the division of water supply and pollution control within 10 days of commencement of any action under this section.

AMENDED ANALYSIS

This bill establishes a penalty of \$25,000 per day or imprisonment for 6 months, or both, on any person wilfully or negligently violating sewage treatment bylaws and ordinances. The current penalty for willful violations is a violation within the meaning of RSA title LXII.

The bill, as amended, also establishes a civil penalty not to exceed \$10,000 for each day of a violation of any bylaw or ordinance relating to sewage treatment.

HB 999-FN, granting authority to the commissioner of environmental services to levy administrative fines for certain violations. Ought to Pass with Amendment.

This bill authorizes the Commissioner of Environmental Services to levy administrative fines for violations related to sewage disposal systems and certain water pollution violations. The bill, as amended, also authorizes the Division of Water Supply and Pollution Control to issue violation orders, levy administrative fines and take emergency measures when necessary relative to state-owned sewage treatment facilities. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

granting authority to the commissioner of environmental services to levy administrative fines for certain violations, and authorizing the director, division of water supply and pollution control, to take certain emergency actions.

Amend RSA 149:19, III-b as inserted by section 1 of the bill by replacing it with the following:

III-b. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

Amend RSA 149-E:7, V as inserted by section 2 of the bill by replacing it with the following:

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Administrative Fines. Amend RSA 148-B:10 by inserting after paragraph III the following new paragraph:

III-a. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

4 New Section; Enforcement and Penalties. Amend RSA 149-G by inserting after section 9 the following new section:

149-G:10 Enforcement and Penalties.

I. The division of water supply and pollution control may issue an order to any person in violation of this chapter, a rule adopted under this chapter, or any condition in any contract or permit issued or entered into under this chapter. This order may require such remedial or corrective measures as may be necessary. Any person to whom such an order is directed may appeal to the water supply and pollution control council.

II. If the division of water supply and pollution control determines that the discharge to any state-owned treatment facility presents an imminent threat to the environment or to the operation of the treatment facility, the division may issue an order requiring such action as may be necessary to meet the emergency, or may take necessary action to block the public sewer in order to prevent the discharge of the waste into the treatment facility. Any order issued under this authority shall take effect immediately. A person to whom such an order is issued or any person affected by action taken by the division under this paragraph may appeal to the commissioner or his designee for a hearing on such order or action, which shall be held within 2 working days after receipt of the request for the hearing. Such hearing shall be conducted pursuant to RSA 541-A. The person may appeal the decision on such hearing to the water supply and pollution control council, pursuant to RSA 21-0:7, IV.

III. Any person who violates any of the provisions of this chapter, or any rule adopted or order issued under this chapter, shall be subject to a civil penalty not to exceed \$10,000 for each violation, or for each day of a continuing violation.

IV. Any violation of the provisions of this chapter, or of any rule adopted or order issued under it, or of any condition in any permit issued or contract entered into under the authority of this chapter, may be enjoined by the superior court upon application by the attorney general.

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted under this chapter, or any permit or contract entered into under the authority of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the replacement fund established pursuant to RSA 149-G:6-a. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill authorizes the commissioner of environmental services to levy administrative fines for violations related to installation and approval of sewage disposal systems and for certain water pollution violations.

The bill, as amended, also authorizes the division of water supply and pollution control to issue violation orders and levy administrative fines for violations relative to sewage disposal facilities in the Winnepesaukee River basin.

The bill, as amended, authorizes the division of water supply and pollution control to take emergency measures when necessary to protect against imminent threats to the public health or the operation of sewage treatment facilities.

HB 733, providing for state, federal and municipal cooperation through joint powers agreements. Inexpedient to Legislate.

The Committee was sympathetic with the intent of this bill; however, some serious questions were raised regarding this issue. The consensus feeling of the New Hampshire Council on Resources and Development is that the bill may present a constitutional problem because it does not recognize that interstate agreements require congressional approval under Article I, Section 10 of the United States Constitution. It was further felt by the Committee that, if the bill were adopted, possible negative ramifications would surface regarding current problems with some unincorporated places and village districts throughout the State. Vote 13-0. Rep. Vincent J. Palumbo for State-Federal Relations.

HB 877, relative to assistance to handicapped persons at motor fuel service stations. Inexpedient to Legislate.

Testimony at the hearing did not indicate that there was a serious problem existing in most sections of the state. A report from the Tri-State Dealers Association said that study had been given to the matter and that members were already alerted to be sure that handicapped persons received proper attention. Testimony also indicated that handicapped purchasers were being charged at the lower rate if the product was pumped at self-service pumps. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

HB 1102-FN, relative to the disposition of revenue received by the bureau of common carriers, department of transportation. Ought to Pass. The Committee felt that the changes requested in this bill are justified. Since the area of action is basically transportation it seems more reasonable to deposit the money, remaining after necessary expenses of administration, in the highway fund and make it available to the Department of Transportation. No one appeared to speak in opposition to the bill. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

Referred to Ways and Means.

COMMITTEE REPORTS (Regular Calendar)

HB 778, relative to the disqualification of certain election officials. Inexpedient to Legislate.

The Committee feels that the concept of allowing moderators to administer elections where their names may be on the ballot is not in concert with the Committee's overall objective of making the voting process as impartial and fair as possible. Vote 8-1. Rep. Charles F. Bass for Constitutional and Statutory Revision.

Resolution adopted.

HJR 5-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of New Hampshire as the ninth and deciding state to ratify the United States Constitution. Ought to Pass.

The Committee feels that this resolution has merit and should be considered by the full House. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Referred to Appropriations.

HB 951, relative to the availability of school district annual reports. Inexpedient to Legislate.

The Committee felt that not enough information was available at this time. In this bill the words "Annual Report" and "Availability" are too loosely defined. The bill seems to have merit and should be re-introduced in the next session. Vote 8-2. Rep. Mable G. Cutting of Education

Resolution adopted.

HB 822, relative to prescription refills. Ought to Pass with Amendment.

This bill would allow pharmacists, if they wish, to dispense temporary refills to a person who has run out of pills over a long weekend, and is unable to contact his doctor who has gone out of town. The pharmacists would, on the next working day, get the order from the doctor and would credit the drugs to the prescription. This does not apply to controlled drugs. The bill applies to heart, hypertension, diabetes and other conditions that require drugs that a person has to take daily for his or her condition. Vote 10-4. Rep. Mary J. Sullivan for Health and Human Services.

Amendment (1492L)

Amend RSA 318:47-d as inserted by section one of the bill by replacing it with the following:

318:47-d Emergency Prescription Refills. A pharmacist may allow a temporary refill of a prescription which runs out either overnight or during weekends or holidays. The quantity actually dispensed for a temporary refill under this section shall not exceed the quantity necessary to extend such prescription to the next business day. The prescription shall be filed numerically by the assigned identification number for a period of not less than 4 years. Such prescription files shall be open to inspection by the pharmacy board and its agents. This section shall not apply to controlled drugs as defined by RSA 318-B:1, VI.

Amendment adopted.

Ordered to third reading.

HB 929, to require health clubs to have one staff member trained in cardiopulmonary resuscitation techniques on duty during all operating hours. Ought to Pass with Amendment.

This bill, as amended, requires all health clubs which conduct exercise classes or sessions on their premises in the state to have at least one staff member possessing a certificate for cardiopulmonary resuscitation and general first aid on duty during all regular business hours and during any special events. Vote 12-1. Rep. Elmira F. Tilton for Health and Human Services.

Amendment

Amend RSA 358-I:7-a as inserted by section 1 of the bill by replacing it with the following:

I. Each health club registered under this chapter that conducts exercise classes or sessions on the premises shall have available on its premises, during all normal business hours and during all special activities held at other than normal business hours, at least one staff member who holds a valid, current certificate indicating that he has successfully completed a basic cardiopulmonary resuscitation and first

aid course which complies with generally recognized standards for basic cardiopulmonary resuscitation and first aid.

II. A person holding a valid, current certificate who, in good faith, provides emergency cardiopulmonary resuscitation or other first aid to a member or user of a health club or any other person on the premises of a health club shall not be liable for his act or omission in providing such treatment unless such act is willful or wanton, as provided under RSA 508:12.

AMENDED ANALYSIS

This bill, as amended, requires all health clubs which conduct exercise classes or sessions on their premises in the state to have at least one staff member possessing a certificate for cardiopulmonary resuscitation and general first aid on duty during all regular business hours and during any special events.

Amendment adopted.

Ordered to third reading.

HB 851-FN, prohibiting the detention or incarceration of persons under the age of 18 years in county correctional facilities. Refer for Interim Study.

This bill raises serious questions about incarceration of minors, but in the opinion of the Committee, these questions are too many and too complicated to be answered by the bill as drafted. Committee members voted 15-1 to refer the bill for study so that it can consider alternative solutions to the problems facing the state, counties and communities. Rep. Francis E. Robinson for Judiciary.

Report adopted.

HB 907-FN, relative to district court jurisdiction in planning and zoning matters. Ought to Pass with Amendment.

House Bill 907 would give the District Court the same power in planning and zoning matters that it now has in domestic violence cases. The right to appeal to the Superior Court will still exist. Vote 12-0. Rep. Elizabeth D. Lown for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; District Court Local Regulation Enforcement. Amend RSA 502-A by inserting after section 11 the following new section: 502-A:11-a Local Regulation Enforcement.

I. The district court shall have concurrent jurisdiction, subject to appeal, of the prosecution of any violation of a local ordinance, code, or regulation properly adopted pursuant to enabling statutes to the extent that such violation, by statute or by local ordinance, code, or regulation:

(a) Is characterized as a misdemeanor or violation within the meaning of the criminal code, in which case penalties shall be consistent with RSA 651.

(b) Is punishable by a civil penalty, in which case the penalty imposed shall in no event exceed the limits of the district court's civil damages concurrent jurisdiction as set forth in RSA 502-A:14, II.

II. This section shall not be construed to diminish the jurisdiction of the superior court to hear and decide matters in which

municipalities seek to enforce local ordinances, codes, or regulations through equitable or other relief.

2 New Section; District Court Jurisdiction. Amend RSA 502-A by inserting after section 11-a the following new section:

502-A:11-b Injunctive Powers. If a municipality has commenced in the district court an enforcement action to address any violation of a local ordinance, code or regulation described in RSA 502-A:11-a, it may, as part of the prosecution, apply to the district court for the district in which the municipality is located for either temporary or permanent injunctive relief compelling the alleged violator to cease and desist from the conduct alleged. Temporary injunctive relief, pending a further hearing on the merits, may only be granted subject to the conditions set forth below:

I. Upon a showing by the municipality that there is a strong likelihood that the municipality shall prevail on the merits. The district court may issue a temporary restraining order requiring the alleged violator to cease and desist from any further conduct which constitutes a violation, or which contributes to or expands an existing, continuing violation, pending further hearing. Such order may be made only with prior notice to the defendant and after a hearing. The strict rules of evidence shall not apply to such hearing.

II. The district court may impose on either party the requirement of a bond to protect the other party from potential pecuniary harm which may result from either the issuance of such a temporary order or from its rescission at the request of the defendant.

3 New Paragraph; Commencement of Action by Building Inspector. Amend RSA 676:17 by inserting after paragraph IV the following new paragraph:

V. The building inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title may commence an action under paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The prosecuting official in his discretion may, prior to or at the time of arraignment, charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I(a) of this section. The provisions of this section shall supersede any inconsistent local penalty provision.

4 New Paragraph; Expedited Review. Amend RSA 676:17 by inserting after paragraph V the following new paragraph:

VI. Any party aggrieved by any injunctive relief granted in a decision of the district court under the provisions of this section shall have the right to an expedited appeal to the superior court within 10 days of the adverse decision; provided that any such injunctive relief granted by a district court shall remain in full force and effect until reversed or rescinded. At such hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the district court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

5 Contingent Provision. If HB 403-FN, an act clarifying penalty provisions for violations of local codes and regulations, and relative to district court jurisdiction over such violations, of the 1988 regular session of the general court becomes law, sections 1 and 3 of this act shall not take effect, and the director of legislative services is authorized to make any technical changes to any bill sections inserted by this act necessary to conform the sections to proper bill format.

6 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, gives the district courts concurrent jurisdiction, in certain instances, of the prosecution of any violation of a local ordinance, code, or regulation adopted pursuant to enabling statutes. Penalties in excess of \$500 are subject to appeal.

The bill, as amended, gives the building inspector or other local official who brings an action to enforce the provisions of RSA 672-677 the discretion, prior to or at the time of arraignment, to charge the offense as a violation, with the result that penalties are limited to those provided for a violation under RSA 651:2 and a civil penalty not to exceed \$100 a day.

The bill, as amended, gives a municipality, if it has commenced in the district court an enforcement action to address any violation of a local ordinance, code or regulation adopted pursuant to enabling statutes, the authority to apply to the district court for the district in which the municipality is located for either temporary or permanent injunctive relief compelling the alleged violator to cease and desist from the conduct alleged.

Amendment adopted.

Ordered to third reading.

BB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem. Ought to Pass.

This bill prohibits the use or operation of a wet bike, jet ski, thrill craft or fun jet upon Arlington Mill Reservoir in the town of Salem. The Arlington Mill Reservoir is a long narrow lake (269 acres) with a mean depth of 11 feet, the sides are stump covered and shallow. This lake is eutrophic (a lake that is dying) and continual use of the above will hasten the death of this lake. The other problem is the hazard that the above is causing to swimmers, canoeists and other boaters and property owners that abut the lake. Vote 12-4. Rep. Wayne Spear for Resources, Recreation and Development.

Ordered to third reading.

HB 1031-FN, relative to investment of state funds in corporations doing business in Northern Ireland. Inexpedient to Legislate.

The Committee finds this bill unnecessary. England is passing legislation to take care of the discrimination in hiring in Northern Ireland. This is a problem for Ireland and England to solve. The United States government is responsible for all foreign policy - not the State of New Hampshire. Vote 10-3. Rep. Ednaparl F. Parr for State-Federal Relations.

Rep. Mulligan moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Scott and Reardon spoke against the motion.

Rep. Daschbach spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 55 NAYS 273

YEAS 55

BELKNAP: Golden.

CARROLL: None.

CHESHIRE: Daschbach, Foster, Frink, Matson, Miller and Schwartz.

COOS: Guay, Nelson and Theriault.

GRAFTON: Chambers, Copenhaver, Densmore and Wayne King.

HILLSBOROUGH: Baker, Baldizar, Cote, Donovan, Dube, Frank, Ruth Gage, Scott Green, Lefebvre, Long, Lozeau, Magee, Bonnie McCann, Mulligan, Pignatelli, Price, Reidy, Sullivan and Zajdel.

MERRIMACK: Bardsley, Beaton, Dunn, Tupper and Wallner.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Hynes, McGovern, Palumbo, Read, Vaughn, Weddle and Wright.

STRAFFORD: Jean, Laurion, William McCann, Musler and Ann Torr.

SULLIVAN: None.

NAYS 273

BELKNAP: Bolduc, Richard Campbell, Dexter, Hardy, Hawkins, Holbrook, Jensen, Locke, Maviglio, Pearson, Thurston, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Cole, Delano, Doucette, Daniel Eaton, Irvin Gordon, Hunt, LaMar, Morse, Parker, Perry, Pierce, William Riley, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Horton, Kilbride, Marsh, Mayhew and Oleson.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Christy, Dearborn, Driscoll, Guest, Hammond, Lougee, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, A. Leslie Burns, Champagne, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Drolet, Dupont, Durant, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Genest, Granger, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Holden, Humphrey, Chris Jacobson, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Leclerc, Levesque, Lown, Mason, McRae, Messier, Moore, Robert Murphy, Nixon, Pappas, Paquette, Pariseau, Perham, Prestipino, Reardon, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joyce, Phyllis Katsakiores, Roger King, Lovejoy, Maurice

MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Pantelakos, Parr, Popov, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Scott, Seward, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Welch and Wells.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Martling, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. Eleanor Anderson notified the Clerk that she wished to be recorded against the motion.

Rep. McGlynn notified the Clerk that she wished to be recorded in favor of the motion.

Resolution adopted.

HB 1043-FN, relative to state investments in South Africa and Namibia. Inexpedient to Legislate.

The Committee finds this bill unnecessary due to the political implication. The people of Namibia need the employment provided by United States companies. All foreign policy should be made by the federal government with the advice of the State Department. Vote 9-4. Rep. Ednapearl F. Parr for State-Federal Relations.

Rep. Daschbach spoke to the report and yielded to questions.

Rep. Sytek spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 250 NAYS 83

YEAS 250

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Delano, Doucette, Grodin, Hunt, LaMar, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Horton, Kilbride, Marsh, Mayhew and Theriault.

GRAFTON: Adams, Bean, Bennett, Blair, Christy, Dearborn, Driscoll, Hammond, Lougee, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Beaupre, Boutwell, Bowers, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Drolet, Durant, Clyde Eaton, Fields, Nancy Ford, Genest, Granger, Scott Green, Grip, Guilbert, Gureckis, Hatch, Holden, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Leclerc, Lefebvre, Levesque, Magee, Mason, Bonnie McCann, McRae, Robert Murphy, Packard, Paquette, Pariseau, Perham, Prestipino, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Soucy, Steiner,

Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hess, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Walter Robinson, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Rosencrantz, Schmidtchen, Schwaner, Scott, Seward, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Vartanian, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Kinney, Koromilas, Martling, Musler, Parks, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, McKee, Rodeschin, Schotanus and Spaulding.

NAYS 83

BELKNAP: Maviglio.

CARROLL: None.

CHESHIRE: Cole, Daschbach, Daniel Eaton, Foster, Frink, Irvin Gordon, Matson, Miller, William Riley and Schwartz.

COOS: Guay, Nelson and Oleson.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore, Guest and Wayne King.

HILLSBOROUGH: Baker, Baldizar, Lionel Boucher, Bourque, Cote, Donovan, Dube, Dupont, Joseph M. Eaton, Frank, Ruth Gage, Marian Harrington, Healy, Chris Jacobson, Michael Jones, Long, Lown, Lozeau, McGlynn, Messier, Moore, Mulligan, Nixon, Pappas, Pignatelli, Price, Reardon, Sullivan and Zajdel.

MERRIMACK: Beaton, James Chandler, Dunn, Douglas Hall, Alf Jacobson, Burton Knight, Rehlander, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Cressy, Cushing, Thomas Gage, Hollingworth, Hynes, McGovern, Pantelakos, Popov, Read, Sanderson, Tufts, Vaughn and Weddle.

STRAFFORD: Casey, Jean, Sandra Keans, Lachance, Laurion, William McCann and Pelley.

SULLIVAN: Normandin and Sara Townsend, and the report was adopted.
Resolution adopted.

HCR 11, concerning the budget of the United States. Ought to Pass.

The Committee received an incredible amount of testimony and it was overwhelmingly in support of HCR 11.

HCR 11 rescinds the 1979 call for a Federal Constitutional Convention to be held for the purpose of proposing an amendment to require a balanced federal budget.

The Committee feels strongly, as do New Hampshire's citizens, that Congress should balance the federal budget as we do our state budget. The recent Bicentennial of our United States Constitution has reacquainted us all with the venerable document and the history behind its creation, adoption and success.

The Committee holds the same view, widely held among constitutional scholars, that notwithstanding the limited terms of the petition for a second convention, there are no constitutional means to limit the Convention to only a balanced budget amendment.

There exists a potential with a second convention to thoroughly rewrite the Constitution that has served us so well during the past 200 years.

The Committee strongly feels that the unknowns of the proposed Convention far outweigh the possible benefits. Furthermore, the majority of delegates to a second convention would be, because of resources and name recognition, the same majority of Congressmen and women who are now failing to balance the federal budget.

These same Congressmen and women have failed to abide by the federal law (Public Law 95-435, Section 7, October 10, 1978) requiring that "beginning with fiscal year 1981, the total budget outlays of the federal government shall not exceed its receipts."

The support for HCR 11 is as varied as it is wide with such diverse groups as the House Majority and Minority leaders, business and labor, as well as conservatives and liberals.

The Committee feels, the people of New Hampshire are prepared to seek changes to the Constitution to insure a balanced budget through the amendment process or through Congressional legislation. Vote 11-1. Rep. Vincent J. Palumbo for State-Federal Relations.

Reps. Palumbo and Chambers moved that HCR 11 be made a Special Order for Wednesday, February 17.

On a voice vote the Speaker was in doubt and requested a division.

165 members having voted in the affirmative and 156 in the negative, the motion was adopted.

HB 860-FN, relative to New Hampshire motor vehicle license plates. Inexpedient to Legislate.

This bill called for a change in the design of number plates to put the words "Live Free or Die" at the top of the plates and in larger letters than currently in use. When the plate pattern was changed recently it was done to make the numbers larger so that it would be easier to identify a vehicle particularly at night. This change has troubled some people. Since the new issue of plates is so recent, the Committee felt that the cost of making the requested change would be unwarranted at this time. Vote 10-1. Rep. Irvin H. Gordon for Transportation.

Resolution adopted.

HB 1164-FN-A, reducing the rate of the business profits tax. Refer for Interim Study.

The Committee would like to review the entire tax policy as regards business, including tax competitiveness with our neighboring states to the benefit of both the state and the private sector. Vote 15-0. Rep. Kathleen W. Ward for Ways and Means.

Report adopted.

HB 1189-FN, relative to roadside litter removal. Refer for Interim Study.

This subject matter deals with the 2¢ increase in the beer tax intended for roadside litter cleanup by the Highway Department. These funds do not get transferred to the Department, but remain in the general fund. The entire subject of highway funds needs a complete review, and interim study will give the Committee the opportunity to do so. Vote 8-7. Rep. Kathleen W. Ward for Ways and Means.

Report adopted.

HB 736, relative to voter addresses on checklists. Inexpedient to Legislate.

The Committee was unclear concerning the intent of this bill. The law, as presently written, appears straightforward in its requirement that the voter's mailing address appear on the checklist. Besides, a new federal law requires that the voter's domicile appear on the checklist; so, the Committee felt this bill unnecessary. Vote 9-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Resolution adopted.

HB 771, relative to the election of Hillsborough county commissioners. Ought to Pass with Amendment.

This bill provides that beginning with the 1988 general election, county commissioners in Hillsborough County shall be elected on a staggered basis. The amendment provides for a 4 year term rotating through the districts. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Amendment

Amend the bill by replacing section 2 with the following:

2 Electing Hillsborough County Commissioners. Amend RSA 653:1, VI by inserting after subparagraph (d) the following new subparagraph:

(e) Hillsborough county - one county commissioner by the voters in each county commissioner district; provided that, at the 1988 state general election, the commissioner from district 1 shall be elected to a 4-year term, the commissioner from district 2 shall be elected to a 2-year term and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the inhabitants of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1988 state general election, the 4-year term shall be rotated in sequence starting with district 2.

AMENDED ANALYSIS

This bill provides that, beginning with the 1988 state general election, county commissioners in Hillsborough county shall be elected on a staggered basis. As amended, the bill requires that at the 1988 state general election, the commissioner from district 1 shall be elected to a 4-year term, the commissioner from district 2 shall be elected to a 2-year term and the commissioner from district 3 shall be elected to a 2-year term. The 4-year term will rotate through the 3 districts.

Rep. Granger moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Holden and Ahrens spoke against the motion.

Motion lost.

Amendment adopted.

Ordered to third reading.

HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists. Ought to Pass.

The Committee held much discussion regarding the role of a registered nurse and/or advanced nurse practitioners in meeting needs of patients by orienting them to their medications. Their medication may be free samples sent to the supervising physician who sets up the protocol which the professional nurse implements. Some of these settings are Planned Parenthood, Student Health Clinics and private physician offices as well as those under Public Health Services. Vote 13-1. Rep. Matthew M. Sochalski for Health and Human Services.

Ordered to third reading.

The Speaker called for the Special Orders.

HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor. Ought to Pass with Amendment. The bill appropriates some \$442,000 to the Division of Public Health Services to carry out AIDS education, prevention and control activities that are currently being undertaken with limited federal funds. The bill enacts provisions which address the three main concerns of: confidentiality of voluntary test results, quality of laboratory testing procedures, and availability of pre-test information and post-test counseling.

The amendment to HB 1162 addresses the legitimate concerns of the insurance industry which wishes to have its testing activities regulated in a fashion that allows it to know in advance what behavior is lawful. In keeping with the major concerns of the bill, insurance industry regulations under the Unfair Insurance Trade Practice Act assures confidentiality, quality of laboratory analysis, and referral for counseling to the Division of Public Health Services if the person being tested for insurance purposes does not authorize a physician to receive a test result that is positive. Vote 13-4. Rep. Timothy Bates for the majority of the Committee on Health and Human Services.

MINORITY STATEMENT: The minority of the Committee strongly supports HB 1162. Many months of work went into the drafting of this bill. There was a unanimous vote of the Special Committee which worked on this bill to not entertain any amendments. At the eleventh hour an amendment appeared which was not subjected to the scrutiny of a public hearing. The medical community did not have an opportunity to respond to the amendment vis-a-vis its impact on the health care system in New Hampshire. HB 1162 was intended to be an AIDS EDUCATION bill not an insurance bill! Anytime the insurance industry asks to be regulated red flags should go up. Once again, we have an example of a bad testing amendment riding on the back of a good AIDS EDUCATION bill. Deja vu! (Reps. Copenhaver, Pappas, Sullivan and Frank for the minority of the Committee on Health and Human Services)

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.

Amend paragraph I of section 1 of the bill by replacing it with the following:

I. The general court finds that the threat to the public from the human immunodeficiency virus and its variants, the causative agent of acquired immune deficiency syndrome (AIDS), AIDS related conditions (ARC), and other clinical manifestations of human immunodeficiency virus can be avoided by an educated and socially responsible citizenry. The general court further recognizes that early identification and diagnosis of the human immunodeficiency virus and its variants is crucial to appropriate and timely medical intervention, counseling, and to retarding the spread of the virus.

Amend the bill by replacing section 9 with the following:

9 New Paragraph; Unfair Insurance Trade Practice. Amend RSA 417:4 by inserting after paragraph XVIII the following new paragraph:

XIX. Human Immunodeficiency Virus. No person engaged in the business of insurance in this state shall test for the presence of an antibody or antigen to a human immunodeficiency virus other than in accordance with the provisions of this paragraph. Such persons shall not be subject to any provision of RSA 141-f.

(a) No person may test any individual in connection with an application for insurance for the presence of an antibody or antigen to a human immunodeficiency virus unless such individual gives written consent on a form designed by the director, division of public health services, department of health and human services, and approved by the commissioner. The form shall contain information about the medical interpretations of positive and negative test findings, disclosure of test results, and the purpose for which the test results may be used.

(b) If the laboratory analysis is performed within this state, only laboratories certified by the division of public health services, department of health and human services, shall be used to test for the presence of an antibody or antigen to a human immunodeficiency virus. If the laboratory analysis is conducted without this state, only laboratories licensed by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended, shall be used to perform such tests.

(c) A person who tests for the presence of an antibody or antigen to a human immunodeficiency virus shall disclose the test results, but only to:

(1) the individual tested;

(2) such other person or entity as the individual tested may authorize by written consent to receive the test results, which consent shall be clearly identifiable as part of the form described in subparagraph (a) of this paragraph.

(d) Notwithstanding the provisions of subparagraph (c), if the test results are positive and the individual tested has not given written consent authorizing a physician to receive the test results, such individual shall be referred, at the time the individual is informed of the positive test results, to the director, division of public health services, department of health and human services, for appropriate counseling.

10 Implementation. The division of public health services shall not implement RSA 141-F:6 as inserted by section 2 of the bill until 60 days

after the division has adopted rules pursuant to RSA 541-A and RSA 141-F:4.

11 Effective Date.

I. Sections 3, 4, 5, 6, and 9 of this act shall take effect 120 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the division of public health services, department of health and human services, to test for the human immunodeficiency virus and its variants which are the causative agents of acquired immune deficiency syndrome (AIDS).

Under this bill, the division of public health services shall:

(a) Provide information and educational materials to the department of education, school boards, health care providers and facilities, and others.

(b) Conduct training seminars for certain health care professionals.

(c) Provide laboratory testing services to detect the presence of the antibody or antigen to the human immunodeficiency virus.

(d) Certify other laboratories to test human blood samples for the antibody or antigen to the human immunodeficiency virus.

(e) Conduct follow-up investigations on tests which are serologic positive.

The bill implements an informed consent procedure before any person may undergo testing for the virus and establishes procedures for disclosure and confidentiality in reporting test results.

The bill also authorizes the police standards and training council, the fire standards and training commission, and the emergency medical services coordinating board to offer materials prepared by the division and, if appropriate, conduct training sessions for police, fire and emergency medical service persons.

The bill further requires town and city clerks to distribute a brochure provided by the division to persons applying for a marriage license.

The bill creates 8 classified full-time permanent positions within the division of public health services to carry out the provisions of this act. The bill appropriates \$442,416 for the biennium ending June 30, 1989, for the purposes of this act.

The bill, as amended, establishes certain criteria to be followed if a test for the presence of an antibody or antigen to a human immunodeficiency virus is to be performed by any person engaged in the business of insurance.

Rep. Murphy moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Chambers and Palumbo spoke against the motion.

A roll call was requested. Insufficiently seconded.

A Division was requested.

38 members having voted in the affirmative and 283 in the negative, the motion lost.

Question now being on the Committee amendment.

Rep. Copenhaver spoke against the amendment.

Rep. Bates spoke in favor of the amendment.

(Speaker in the Chair)

Rep. Chambers spoke against the amendment and yielded to questions.

Reps. Sochalski and Palumbo spoke in favor of the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 221 NAYS 119
YEAS 221

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Cole, Delano, Doucette, Irvin Gordon, Grodin, Miller, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton and Marsh.

GRAFTON: Adams, Bean, Blair, Christy, Dearborn, Driscoll, Hammond, LaMott, Lougee, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Beaupre, Lionel Boucher, Boutwell, Bowers, Chretien, Cid, Cowenhoven, Cox, William Desrosiers, Donovan, Drolet, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Granger, Grip, Guilbert, Marian Harrington, Hatch, Holden, Keefe, Robert Kelley, Alice Knight, Kurk, Lefebvre, Levesque, Lown, Magee, Mason, Messier, Moore, Paquette, Pariseau, Perham, Prestipino, Ellen-Ann Robinson, Rodgers, Sallada, Schneiderat, Leonard Smith, Stiles, Stonner, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Fillion, Fraser, George E. Gordon, Gross, Hager, Douglas Hall, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Stio, West and Whitemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Bucu, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Popov, Ritzo, Schwaner, Scott, Seward, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Vaughn, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Kinney, Koromilas, Lachance, Martling, Musler, Parks, Proulx, Francis Robinson, Swope, Ann Torr, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 119

BELKNAP: Bowler and Maviglio.

CARROLL: McIntire and Saunders.

CHESHIRE: Daschbach, Daniel Eaton, Foster, Frink, Hunt, LaMar, Matson, Morse, William Riley and Schwartz.

COOS: Brady, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Bennett, Chambers, Copenhagen, Densmore, Guest, Wayne King, Stewart and Walter.

HILLSBOROUGH: Ahern, Baker, Baldizar, Bourque, Buckley, Burkush, A. Leslie Burns, Champagne, Cote, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Dube, Dupont, Durant, Clyde Eaton, Frank, Ruth Gage, Genest, Scott Green, Gureckis, Healy, Humphrey, Chris Jacobson, Michael Jones, Cornelius Keane, Korcoulis, Leclerc, Long, Lozeau, Bonnie McCann, McGlynn, McRae, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Pignatelli, Price, Reardon, Reidy, Routhier, Soucy, Sullivan and Tarpley.

MERRIMACK: Beaton, Dunn, Gilbreth, Hess, Burton Knight, Merton Mann, Walter Robinson, Gerald Smith, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Hollingworth, Hynes, Robert Johnson, Mace, Magoon, McGovern, Pantelakos, Read, Rosencrantz, Sanderson, Splaine, Walker, Warburton and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Jean, Sandra Keans, Laurion, Pelley, Spear and John Young.

SULLIVAN: Brodeur, D'Amante, Flint and Normandin, and the amendment was adopted.

Referred to Appropriations.

HB 924, to increase the age limit relative to the motor vehicle child restraint requirement. Ought to Pass.

This bill is similar to one that has passed the Senate and extends the requirement that children, age 5 to 12, be restrained when riding in motor vehicles that are equipped with seat belts. There was extensive testimony in favor of this legislation by police, emergency personnel, physicians and recent victims. The "consumers" were well represented by the 4th grade of Kimball School in Concord who enthusiastically and unanimously endorsed the bill. Vote 15-0. Rep. Robert F. Wilson for Health and Human Services.

Rep. Felch moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to his motion.

Reps. Wilson and Scott Green spoke against the motion and yielded to questions.

Rep. George Gordon spoke in favor of the motion and yielded to questions.

Reps. Ellen-Ann Robinson, Moore and Pappas spoke against the motion. Rep. Fields spoke in favor of the motion.

Rep. Hager moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 152 NAYS 179
YEAS 152

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Holbrook, Locke, Pearson, Thurston and Vogler.

CARROLL: Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Doucette, LaMar, Morse, Pierce, Sawyer and David Young.

COOS: Brungot, Horton, Kilbride, Nelson and Theriault.

GRAFTON: Bennett, Blair, Christy, Dearborn, Driscoll, LaMott, Stewart, Howard Townsend, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baker, Beaupre, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Cote, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Durant, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Ruth Gage, Granger, Grip, Guilbert, Hatch, Humphrey, Cornelius Keane, Robert Kelley, Kurk, Leclerc, Levesque, Magee, McGlynn, McRae, Robert Murphy, Packard, Paquette, Perham, Prestipino, Rodgers, Routhier, Soucy, Stiles, Stonner, Tarpley, Turgeon, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, George E. Gordon, Lockwood, Nichols, Phelps, Philbrick, Provencal, Gerald Smith and Stio.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Benton, Bucu, Eunice Campbell, Carpenito, Cressy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Gourdeau, Haynes, Hoar, Robert Johnson, George Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Newell, Palumbo, Parr, Rosencrantz, Scott, Seward, Simon, Skinner, Warburton, Welch and Wells.

STRAFFORD: Bernard, Casey, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Lachance and Ralph Torr.

SULLIVAN: Brodeur, Cutting, D'Amante, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin and Schotanus.

NAYS 179

BELKNAP: Bowler, Hardy, Hawkins, Jensen, Maviglio, Randall, Turner and Wixson.

CARROLL: Allard and Schofield.

CHESHIRE: Cole, Daschbach, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, Matson, Miller, Parker, Perry, William Riley and Schwartz.

COOS: Brady, Harold Burns, Frederic Foss, Guay, Marsh, Mayhew and Oleson.

GRAFTON: Adams, Arnesen, Bean, Chambers, Copenhaver, Densmore, Guest, Hammond, Wayne King, Lougee, Rounds, Scanlan, Wadsworth and Ward.

HILLSBOROUGH: Ahrens, Baldizar, Bass, Bourque, Buckley, Burkush, Champagne, Chretien, Cid, Cowenhoven, Cox, Daigle, Donovan, Drolet, Dube, Dupont, Nancy Ford, Frank, Genest, Scott Green, Gureckis, Marian Harrington, Healy, Chris Jacobson, Michael Jones, Keefe, Alice Knight, Korcoulis, Lefebvre, Long, Lown, Mason, Bonnie McCann, Messier, Moore, Mulligan, O'Rourke, Pappas, Pariseau, Pignatelli, Price, Reidy, Ellen-Ann Robinson, Sallada, Schneiderat, Leonard Smith, Sullivan, Vanderlosk, Wagner and Zajdel.

MERRIMACK: Dunn, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Manus, Millard, Rehlander, Tupper, West, Whittemore and Yeaton.

ROCKINGHAM: Barnes, Blanchard, Blanchette, Butler, Marilyn Campbell, Conroy, Cooke, Cushing, Drake, Bert Ford, Beverly Gage, Thomas Gage, Elizabeth Greene, Hollingworth, Hynes, Joyce, Phyllis Katsakiores, Lovejoy, William F. McCain, McGovern, Merchant, Pantelakos, Popov, Read, Ritzo, Sanderson, Schwaner, Sochalski, Splaine, Tilton, Tufts, Vaughn, Walker, Weddle and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Dingle, Albert Dionne, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Martling, Musler, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Flint, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Hager moved that House Rule 43(a) notice of the hearing shall be advertised in the House Calendar no less than four days prior to a hearing, House Rule 67(b)(5) Policy committees report all money bills, House Rule 67(b)(7) House action on all bills, and Joint Rule 10(a) Both bodies shall take final action on all bills and joint resolutions no later than the the third Thursday of February in 1988 (February 18), be suspended on the following bills:

HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.

HB 878-FN, establishing a committee to study the health care benefits of retired policemen and firemen.

HB 1048-FN, relative to health care benefits for retired employees of political subdivisions.

HB 1050-FN, relative to death benefits for beneficiaries of group II members.

HB 1074-FN, relative to prior service credit for the retirement system.

HJR 5-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of New Hampshire as the ninth and deciding state to ratify the United States Constitution.

HB 1102-FN, relative to the disposition of revenue received by the bureau of common carriers, department of transportation.

Adopted by the necessary two-thirds.

SENATE MESSAGES CONCURRENCE

HB 330-FN-A, relative to an exception to the real estate transfer tax.

HB 452, relative to demerit points for younger drivers.

HB 546-FN, relative to the times for opening and closing the polls in statewide elections.

NONCONCURRENCE

HB 82, relative to rate increases resulting from construction of large-scale electric generating facilities.

HB 404-FN, establishing a road pay-back fee system.

HB 504, relative to the placement of candidates names on ballots.

REQUESTS CONCURRENCE

SB 330-FN, providing medical and health insurance coverage for retired firefighter and police New Hampshire retirement system members.

RECONSIDERATION

Rep. Pappas moved that the House reconsider its action whereby it adopted HB 924, to increase the age limit relative to the motor vehicle child restraint requirement.

Reconsideration lost.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 11 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 924, to increase the age limit relative to the motor vehicle child restraint requirement.

HB 731, relative to applications to vote for overseas voters.

HB 753, reinstating the charter of Bethlehem Mink Farm, Inc.

HB 771, relative to the election of Hillsborough county commissioners.

HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization.

HB 810-FN, relative to overseas voters.

HB 737, relative to appointing alternates for school board members on municipal budget committees.

HR 52, relative to kindergarten.

HB 849-FN, relative to claims against the state.

HB 818, relative to the taking of trout.

HB 797, relative to regulating the sanitary conditions of restaurants.

HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists.

HB 875-FN, establishing a committee to study employment conditions at human services care providers contracting with the state.

HB 936, relative to discoverability of risk in product liability actions.

HB 827-FN, relative to health screening for members of the general court.

HB 900, extending the reporting dates for the study committee to examine the cooperative extension service and the fire law study committee.

HB 945, relative to the administrative procedure act.

HB 1062-FN, extending the reporting date for the advisory committee on state economic development and local population growth.

HB 1161, relative to health insurance for members of the general court.

HB 739, relative to appeals from the denial of building permits in municipalities without zoning ordinances.

HB 944, enabling towns to hold special meetings to appropriate money for the purchase of land for conservation purposes.

HB 1007-FN, relative to the date when municipalities must make tax payments to counties.

SB 246, relative to the sale of liquor in convention centers and first class ballrooms.

HB 923, relative to dredging on great ponds.

HB 980-FN, relative to penalties for sewage treatment violations.

HB 999-FN, granting authority to the commissioner of environmental services to levy administrative fines for certain violations, and authorizing the director, division of water supply and pollution control, to take certain emergency actions.

HB 822, relative to prescription refills.

HB 929, to require health clubs to have one staff member trained in cardiopulmonary resuscitation techniques on duty during all operating hours.

HB 907-FN, relative to district court jurisdiction in planning and zoning matters.

HB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem.

Rep. Harold Burns moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 5:00 p.m.

RECESS

(Speaker in the Chair)

Rep. Phelps moved that the House adjourn.

Adopted.

HOUSE JOURNAL 11

Thursday, 11Feb88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rep. Raymond C. Wixson.

Lord God, who has provided us with a rich legacy of liberty and democracy, and who has blessed us with leaders like Abraham Lincoln, whose birth we celebrate tomorrow; we bow before You with thanksgiving, as we begin our work this day. Save us from selective vision that blinds us to the needs of the poor and the isolated. Give us a new vision of justice and righteousness, and of government of the people, by the people and for the people. Keep us faithful, and true stewards of membership in this New Hampshire General Court. We will praise You for what we accomplish. Amen.

Rep. Ann Torr led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lemire, Malcolm Harrington, Geraldine Watson, Russell Chase, McManus, Ann Derosier, Eunice Campbell, Robert Kelley, Lussier, Skinner, Clark, Nagel, A. Leslie Burns, Donna Kelly and Pantelakos, the day, illness.

Reps. Frechette, Gosselin, Coulombe, Olimpio, Musler, Hardy, Paul Dionne, Gagnon, Cid, Lionel Boucher, Drake, Normandin, Michael Jones, Pierce, Champagne, Read, Shriver, Buco, Stonner, Dwyer and Chretien, the day, important business.

Reps. Wood and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Belmont High School Business Law Class, guests of Rep. Hawkins; Mrs. Stanley Young and Greta Whittemore, sister-in-law and wife of Rep. Whittemore.

COMMUNICATION

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on February 10, 1988.

Rockingham County District No. 13 (Exeter, Newfields)
Thaddeus E. Klemarczyk, r, Exeter (16 McKinley Street) 03833

Sincerely,
Karen H. Ladd
Administrative Assistant

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 330, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL
First, second reading and referral

SB 330-FN, providing medical and health insurance coverage for retired firefighter and police New Hampshire retirement system members. (Executive Departments and Administration)

ENROLLED BILLS REPORT

HB 295, relative to the board of tax and land appeals.

HB 418, relative to mutual holding companies.

SB 147, relative to surety bonds.

Rep. Natalie S. Flanagan
For the Committee.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor, was removed at the request of Rep. Sytek.

HB 976, relative to insurers' reporting requirements, was removed at the request of Rep. Sara Townsend.

HB 836-FN, amending various highway laws, was removed at the request of Rep. Patricia Foss.

HB 885, relative to taking a boating safety course if convicted of any offense while boating, and HB 985, relative to the penalty for littering from boats, were removed at the request of Rep. Maviglio.
Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses. (A) Ought to Pass with Amendment.

As amended, the bill modifies the distribution of money and goods seized in drug forfeitures. Under the new formula, of the first \$50,000 seized, 45% will go to the drug forfeiture fund, 45% to the department making the seizure, and 10% to the office of Alcohol and Drug Abuse Prevention. Any amount over \$50,000 will be distributed 90% to the drug forfeiture fund and 10% to Alcohol and Drug Abuse Prevention. Additionally the amendment raises the cap on the drug forfeiture fund from \$200,000 to \$300,000. Vote 14-0. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Drug Offenses; Forfeiture. Amend RSA 318-B:17-b, IV to read as follows:

IV. The attorney general may petition the superior court in the name of the state in the nature of a proceeding in rem to order

forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter. Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception. The court shall issue orders of notice to all persons who may have an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 30 days of the return date on said petition. At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. At the hearing, the court shall hear evidence and make findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal. Such final orders shall be implemented by the attorney general and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The attorney general shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any public auction of forfeited items. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings. [Of any balance remaining, the attorney general shall return 10 percent to the fiscal officer of the law enforcement agency or agencies responsible for seizure of the money and auctioned items. These funds shall be used primarily for meeting expenses incurred in connection with drug related investigations. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency. At the same time, the attorney general shall pay 10 percent of the remaining balance into a special nonlapsing account established within the office of the state treasurer for the office of alcohol and drug abuse prevention, except that the total amount of said payments shall at no time exceed \$200,000 in any fiscal year. The remainder shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c, except that said fund shall at no time exceed \$200,000. All sums in the drug forfeiture fund in excess of \$200,000 shall be credited to the general fund.] *The balance remaining shall be distributed by the attorney general as follows:*

(a) *Of the first \$50,000:*

(1) *Forty-five percent shall be returned to the fiscal officer or officers of the municipality or municipalities or county or counties where the law enforcement agency or agencies responsible for seizure of the money and auctioned items are located. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug related investigations. Such funds shall be available for expenditure without further appropriation by the governing body of the municipality or county and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;*

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the office of alcohol and drug abuse prevention; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

(b) Of any balance remaining:

(1) Ten percent shall be deposited in the manner prescribed in subparagraph IV(a)(2) of this section; and

(2) Ninety percent shall be deposited in the manner prescribed in subparagraph IV(a)(3) of this section.

The total amount of payments made to the special account for the office of alcohol and drug abuse prevention pursuant to subparagraphs IV(a)(2) and IV(b)(1) of this section shall at no time exceed \$200,000 in any fiscal year. All sums in the special account for the office of alcohol and drug abuse prevention in excess of \$200,000 shall be deposited in the general fund. The revolving drug forfeiture fund shall at no time exceed \$300,000. All sums in the revolving drug forfeiture fund in excess of \$300,000 shall be credited to the general fund.

2 New Section; Administrative Drug Forfeiture. Amend RSA 318-B by inserting after section 17-c the following new section:

318-B:17-d Administrative Forfeiture of Items Used in Connection With Drug Offense.

I. Interests in the following property shall be subject to administrative forfeiture by the department of justice and may be seized by law enforcement officials as directed by the attorney general:

(a) Any moneys in the amount of \$50,000 or less knowingly used or intended for use in the procurement, manufacture, compounding, processing, delivery, or distribution of a controlled drug in felonious violation of this chapter.

(b) A property interest in any conveyance, including aircraft, vehicles, or vessels, which is knowingly used or intended for use in the manufacturing, compounding, processing, concealing, trafficking, delivery, or distribution of a controlled drug in felonious violation of this chapter.

(c) Any real property appraised at \$25,000 or less which is knowingly used or intended for use in the manufacturing, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter. The state may seize any interest in such property by filing in the registry of deeds in the county where the property is located, a notice of attachment stating that the state has attached the identified property pursuant to this paragraph.

II. The state shall have a lien on any property subject to forfeiture under this section upon seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

III. Upon the seizure of any items or property interests under paragraph I, the property shall not be subject to sequestration or attachment but is deemed to be in the custody of the law enforcement agency making the seizure, subject only to the order of the court. The seizing agency shall, as soon as practicable, but in any event within 10 days of the seizure, provide written notice of the seizure to all parties known to have an interest in the seized property. Pending forfeiture and final disposition, the law enforcement agency making the seizure may:

(a) Place the property under seal;

(b) Remove the property to a storage area for safekeeping;

(c) Remove the property to a place designated by the

court; or

(d) Request another agency to take custody of the property and remove it to an appropriate location within the state.

IV. As soon as practicable after seizure, the seizing agency shall conduct an inventory upon and cause an appraisal to be made of the property seized. The seizing agency shall promptly send to the attorney general a written request for forfeiture, which shall include a statement of all facts and circumstances including the names of all witnesses then known and the appraised value of the property.

V. The attorney general shall immediately examine the facts and applicable law of the cases referred to him pursuant to this section, and if it is probable that the property is subject to forfeiture, the attorney general shall cause the initiation of administrative or judicial proceedings against the property. If upon inquiry and examination, the attorney general determines that such proceedings probably cannot be sustained or that the ends of justice do not require the institution of such proceedings, he shall make a written report of such findings and send a copy to the seizing agency, and, if appropriate, shall also authorize the release of the property.

VI. The attorney general may administratively forfeit property seized under paragraph I as follows:

(a) The attorney general shall provide notice of intention to forfeit property administratively by publication in a local newspaper of general circulation for 3 consecutive weeks.

(b) In addition, to the extent practicable, the attorney general shall provide notice by registered mail of intent to forfeit the property administratively to all known interested parties and all parties whose identity is reasonably subject to discovery who may have an interest in the property seized.

(c) Notice by publication and by mail shall include:

- (1) A description of the property;
- (2) Its appraised value;
- (3) The date and place of seizure;
- (4) The violation of law alleged against the subject property;

(5) Instructions for filing a claim and posting bond or filing a petition for remission or mitigation; and

(6) Notice that the property will be forfeited to the state if a petition for remission or mitigation has not been filed in a timely manner or a claim has not been filed and bond has not been posted in a timely manner.

(d) Persons claiming an interest in the property may file petitions for remission or mitigation of forfeiture or file a claim and post bond with the attorney general within 30 days of the first notice by publication or 30 days from the receipt of written notice, whichever is later.

(e) It shall be the duty of the attorney general to inquire into the facts and circumstances surrounding petitions for remission or mitigation of forfeiture.

(f) The attorney general shall provide the seizing agency and the petitioner a written decision on each petition for remission or mitigation within 60 days of receipt of such petition unless the circumstances of the case require additional time in which case the attorney general shall notify the petitioner in writing and with specificity within the 60 day period that the circumstances of the case require additional time, and further notify the petitioner of the expected decision date.

(g) Any person claiming an interest in seized property may institute judicial review of the seizure and proposed forfeiture by timely filing with the attorney general a claim and bond to the state in the amount of 10 percent of the appraised value or in the penal sum of \$2,500, whichever is greater, with sureties to be approved by the attorney general, upon condition that in the case of forfeiture the claimant shall pay all costs and expenses of the proceedings at the

discretion of the court. Upon receipt of the claim and bond, or, if he otherwise so elects, the attorney general shall file with the court a petition in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. All judicial proceedings thereafter shall be conducted in accordance with the provisions of RSA 318-B:17-b, IV. Any bonds received by the attorney general shall be held by him pending final disposition of the case.

(h) If no petitions or claims with bonds are timely filed, the attorney general shall prepare a written declaration of forfeiture of the subject property to the state and dispose of the property in accordance with this section and the attorney general's rules, if any, relative to this section.

(i) If the petition is denied, the attorney general shall prepare a written declaration of forfeiture to the state and dispose of the property in accordance with this section and the attorney general's rules, if any, relative to this section.

(j) A written declaration of forfeiture signed by the attorney general pursuant to this chapter shall be deemed good and sufficient title to the forfeited property.

VII. Final orders shall be implemented by the attorney general and shall provide for disposition of the items or property interests by the state as provided in RSA 318-B:17-b, IV.

3 Applicability. The act shall apply only to items or property interests related to drug offenses seized on or after July 1, 1988.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, permits the attorney general to direct law enforcement officials to seize certain items and property interests used in connection with drug offenses, without first petitioning the court for an attachment order.

Under this bill, the attorney general must publish notice of the seizure and the procedure for filing a claim and posting bond for the property or a petition for remission or mitigation. The attorney general shall provide written decisions on claims for remission and mitigation. Persons claiming an interest in the property have the right to judicial review. If the seizure is uncontested or is contested but the court decides in favor of the state, the items or property interests seized are forfeited to the state. Any moneys forfeited and the proceeds from items and property interests disposed of by sale shall be allocated in percentages established by the bill between (1) the fiscal officer of the municipality or county where the law enforcement agency or agencies who seized the items or property interests are located; (2) the revolving drug forfeiture fund administered by the department of justice; and (3) the office of alcohol and drug abuse prevention.

The bill increases the maximum amount which may be kept in the revolving drug forfeiture fund from \$200,000 to \$300,000.

HB 748-FN-A, relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor. (A) Ought to Pass.

There is presently no state curator to properly inventory the many valuable and irreplaceable historical artifacts which are so much a part of the state's heritage. This bill will create such a position and appropriates funding for the position. The appropriation may be matched with federal funding. Vote 14-0. Rep. Howard C. Townsend for Appropriations.

HB 759-FN-A, relative to constructing facilities for the office of the chief medical examiner and making an appropriation therefor. (A) Ought to Pass with Amendment.

This allows for the funding of a much needed facility for the chief medical examiner whose workload is increasing at an alarming rate. Vote 14-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$800,000 is hereby appropriated for the biennium ending June 30, 1989, to the department of justice for the purpose of constructing facilities in Concord for the office of the chief medical examiner.

2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$800,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

3 Design. The commissioner of the department of transportation shall ensure that the facilities for the office of the chief medical examiner are constructed with a full foundation, and that the project is designed in such a manner to enable the expansion of the building to a second story at a future date.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates \$800,000 to the department of justice for the purpose of constructing facilities in Concord, New Hampshire, for the office of the chief medical examiner. The appropriation shall be bonded.

The bill, as amended, requires the commissioner of the department of transportation to ensure that such facilities are constructed with a full foundation and designed to enable expansion to a second story at a future date.

HB 765-FN-A, relative to the printing of "New Hampshire Historical Markers," and making an appropriation therefor. Ought to Pass.

Since the last printing, there have been 18 new markers erected and a new printing will update all material for distribution. Vote 15-0. Rep. Robert G. Holbrook for Appropriations.

HB 779-FN-A, requiring the installation of 2 traffic lights in Newport and making an appropriation therefor. Inexpedient to Legislate.

The commissioner of the Department of Transportation assured the Committee that this spring would see installation begin as was previously agreed by town officials and state. Vote 15-0. Rep. Paul I. LaMott for Appropriations.

HB 845-FN, relative to the department of corrections, allowing psychologists to conduct examinations for purposes of nonemergency involuntary admissions, and making an appropriation to the department of corrections.(A) Ought to Pass with Amendment.

This legislation authorizes the Department of Corrections to initiate guardianship proceedings for persons in the custody of the Commissioner and as amended appropriates \$15,000 to pay the cost of such guardianship proceedings. Vote 14-0. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend the bill by replacing section 5 with the following:

5 Appropriation; Department of Corrections. The sum of \$15,000 is hereby appropriated to the department of corrections for the fiscal year ending June 30, 1989, for the purposes of section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill sets out the duties of the division of medical and psychiatric services in the reorganized department of corrections under RSA 21-H. This bill allows the department of corrections to initiate guardianship proceedings for persons in the custody of the commissioner. The bill, as amended, appropriates \$15,000 to the department of corrections for the fiscal year ending June 30, 1989, to pay the costs of such guardianship proceedings.

This bill also repeals 2 RSA sections, which require the commissioner to submit an annual report on the department's expenses and management to the governor and to appoint appraisers to make an annual appraisal of the property at the state prison.

This bill, as amended, also allows psychologists who are affiliated with community mental health programs to conduct examinations for purposes of nonemergency involuntary admissions.

HB 855-FN, relative to timber sales on fish and game department land. (A) Ought to Pass.

This bill authorizes the establishment of a nonlapsing revolving fund in the Fish and Game Department, using the proceeds of sales of timber from fish and game owned lands. The fund will be used exclusively for game management purposes. No general funds are appropriated. Vote 15-0. Rep. Susan Schwartz for Appropriations.

HB 859-A, making an appropriation for the purchase of a building for the division for children and youth services. Ought to Pass.

This bill allows the state to purchase the building now rather than lease purchase--saving much interest. Vote 15-0. Rep. Paul I. LaMott for Appropriations.

HB 863-FN-A, relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment deals with two items brought at the hearing. First, the funding is changed from 100% general fund to 80% highway fund and 20% general fund, the normal funding pattern for this agency. Secondly, a new sentence is added to give normal exemption from liability for unintentional errors. Net general fund cost for FY '89 will be \$4,000. Vote 14-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors, establishing a police communications specialist position within the division of state police, and making an appropriation therefor.

Amend the bill by replacing all after enacting clause with the following:

1 New Section; Intrastate Misdemeanor Recording System. Amend RSA 106-B by inserting after section 14 the following new section:

106-B:14-a Intrastate Misdemeanors Recorded. The division of state police shall record and update on its computer system on a daily basis the names of all persons for whom there are outstanding arrest warrants for misdemeanors in this state, along with a statement of all arrest warrants for misdemeanors each person has pending. The information recorded shall be made available upon request to all local and state law enforcement agencies and officers. The department of safety and its employees and agents shall not be held liable for errors of omission or commission in the recording and maintenance of this information unless the error is shown to be malicious.

2 Appropriation; Division of State Police. In addition to any other funds appropriated to the division of state police, department of safety for the fiscal year ending June 30, 1989, the sum of \$20,000 is hereby appropriated for one permanent full-time classified position LG 13: police communications specialist. Of this amount appropriated, \$16,000 shall be charged to the highway fund and \$4,000 shall be charged to the general fund. The governor is authorized to draw his warrant for the sum of \$20,000 out of the appropriate funds.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, requires the division of state police to record and update on its current computer system the names of persons for whom arrest warrants for misdemeanors are outstanding along with a statement of all arrest warrants for misdemeanors each person has pending. Such data shall be made available upon request to local and state law enforcement officers.

This bill, as amended, makes a supplemental appropriation of \$20,000 to the division of state police, department of safety, for the fiscal year ending June 30, 1989, to establish a police communications specialist position for the purposes of this act.

HB 1193-FN, relative to chiropractic.(A) Ought to Pass with Amendment.

This bill is unanimously supported by the concerned chiropractors. The Committee amendment details the necessary funding by PAU. Vote 13-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to chiropractic and making an appropriation therefor.

Amend RSA 316-A:1 as inserted by section 2 of the bill by replacing it with the following:

316-A:1 Definition. The science of chiropractic deals with the analysis of any interference with normal nerve transmission and expression, the procedure preparatory to, and complementary to the correction thereof, by an adjustment of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient using the procedures which are currently taught in accredited chiropractic colleges at the time of matriculation without the use of drugs, surgery, or colonic irrigation. The term analysis is construed to include physical examination, the use of x-ray and other analytical instruments generally used in the practice of chiropractic.

Amend the bill by replacing section 6 with the following:

6 Appropriation. There is hereby created PAU 05,02,07,10 for the board of chiropractic examiners. The following amounts are appropriated to said PAU:

	Fiscal Year 1988	Fiscal Year 1989
20 Current expenses	775	4,750
30 Equipment		2,100
50 Other personal services		8,360
60 Benefits		627
70 In-state travel	300	2,010
80 Out-of-state travel		1,500
	<u>1,075</u>	<u>19,347</u>

Estimated source of funds for board of chiropractic examiners		
General Fund	1,075	19,347

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

7 PAU Deleted; Transfer of Funds.

I. Amend 1987, 400:1, 02,06,04 by deleting it, including the footnote; relative to the board of chiropractic examiners.

II. Any moneys remaining in PAU 02,06,04 on the effective date of this act are hereby transferred to PAU 05,02,07,10 created by section 6 of this act.

8 Totals. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a board of chiropractic examiners and makes it administratively attached to the division of public health services, department of health and human services. The bill specifies the qualifications necessary to practice chiropractic.

The bill allows the board of chiropractic examiners to hold preliminary hearings to informally dispose of certain unwarranted complaints. Any complaint not resolved in a preliminary hearing shall be heard formally.

The bill lists in detail the subjects for examinations given by the board.

The bill repeals the old chapter on chiropractic.

The bill creates a new PAU for the board of chiropractic examiners and appropriates \$1,075 for fiscal year 1988 and \$19,347 for fiscal year 1989.

Any moneys remaining in the former PAU for the board of chiropractic examiners are transferred to the new PAU.

HB 1203-FN-A, relative to the payment of a claim against the state and making an appropriation therefor. Ought to Pass.
 The Board of Claims and the Attorney General recommend payment of \$36,518.75 in settlement of a claim against the state for lost wages and medical costs due to personal injury. Vote 14-0. Rep. Caroline L. Gross for Appropriations.

HB 850, exempting motor vehicles carrying washed sand, screened loam, and crushed stone to be used for construction in this state from regulation by the public utilities commission. Ought to Pass with Amendment.

This bill corrects an inequity under the RSA 375 series. The amendment places the exemption under RSA 375-B:12 versus 3 for insurance of cargo only. This bill does not affect the liability or regulation of dump truck carriers of such products. This bill protects the consumer, in that the consumer does not pay for a product that may cost an average of \$50 to \$100, and must also pay for the cost of insurance for each delivery of same that can average \$200, more or less. The consumer will be protected if these natural products are not delivered, because the dump truckload is lost, they will not pay anything. Liability for any other cargo, e.g. antiques, lumber, furniture is covered under other articles in the RSA 375 series. Vote 14-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond.

Amend the bill by replacing all after the enacting clause with the following:

1 Insurance Exemption. Amend RSA 375-B:12 to read as follows:

375-B:12 Security for the Protection of Property. No certificate or permit issued to a motor carrier under the provisions of this chapter shall remain in effect unless there is filed with the department a certificate of insurance indicating that there is in force a cargo insurance policy or indemnity bond, in such form and in such reasonable amount for the protection of the owner or owners of the property transported, for the payment of damages resulting from the negligent operation, maintenance, or use of motor vehicles under such certificate or permit. *A motor carrier engaged in the transportation of washed sand, screened loam and crushed stone shall not be required to obtain a cargo insurance policy or indemnity bond to acquire a certificate or permit under the provisions of this chapter.*

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, exempts motor vehicles carrying washed sand, screened loam and crushed stone from regulations requiring filing of a insurance policy or indemnity bond prior to receiving a certificate or permit under RSA 375-B.

HB 864-FN, authorizing the public utilities commission to regulate cable television systems. Refer for Interim Study.

This bill evoked great public interest. It raises substantial issues which certainly merit study, but which cannot be resolved within Committee deadlines: first amendment rights, the experiences of municipalities and states in franchising and regulation, basic services and rates. The Subcommittee will, therefore, continue work on these topics, and will emerge with a comprehensive piece of legislation. A schedule of meetings, witnesses, and topics is now being drawn up and further input is invited. It is already apparent that the industry does not adequately police itself, and that profound changes must occur. Vote 15-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 926-FN, authorizing the public utilities commission to regulate cable television. Inexpedient to Legislate.

House Bill 926 is the same as HB 864 sent to Interim Study with a Committee named to prepare a properly-drafted bill for next year. This bill is unnecessary. Vote 14-0. Rep. George H. Baker for Commerce, Small Business and Consumer Affairs.

HB 966, relative to cellular radio telecommunications services and cable television services. Ought to Pass with Amendment.

The bill, as amended, exempts persons providing cellular mobile telecommunications from regulation by the Public Utilities Commission. The amendment removes any reference to cable television services. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to cellular radio telecommunications services.

Amend the bill by replacing section 1 with the following:

1 Purpose. The general court declares it in the best interests of the people of New Hampshire to encourage rapid development of the broadest range of quality telecommunications services to the public in an environment of free and open competition. To further such interest and recognizing the state's fundamental preference for free competition in trade and industry, the general court establishes the policy of exempting cellular mobile radio communications services from regulation by the public utilities commission.

Amend RSA 362:6 as inserted by section 2 of the bill by replacing it with the following:

362:6 Cellular Mobile Radio Communications Exempt. The term "public utility" shall not include any individual, partnership, corporation, company, association, or joint stock association, including any trustee, administrator, executor, receiver, assignee, or other personal representative who provides, purchases or sells cellular mobile radio communication services. Such services shall not be subject to the jurisdiction of the public utilities commission pursuant to this title.

AMENDED ANALYSIS

The bill, as amended, exempts persons providing cellular mobile radio telecommunications services from the regulatory authority of the public utilities commission.

HB 974, relative to investment income as a factor in insurance rate setting. Inexpedient to Legislate.

There was minimal testimony in favor of this bill. There was volumes of testimony by the Insurance Department and trade associations that due recognition is taken of investment income in the rate-setting process. The Committee agreed that there was no sound basis for supporting this legislation. Vote 11-0. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

HB 984, restricting foreign interests in New Hampshire banks under the laws governing regional banking. Inexpedient to Legislate. The Committee sees problems in banishing "foreign" capital and international interests from the New Hampshire banking scene; in fact, the problems go to the heart of the bill, and cannot be solved within time constraints. If a fresh approach is needed, only time can provide it. But, in the hearing, testimony was overwhelmingly negative. Vote 15-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 1008-FN, relative to after market crash parts paid for by insurers. Ought to Pass with Amendment.

The Committee amended this bill using language contained in the National Association of Insurance Commissioners' model legislation. The bill regulates the use of aftermarket crash parts in motor vehicle repairs. The bill requires disclosure by the insured when any use is proposed of a non-original part. The bill also requires that each such part display the identification of its manufacturer. An important aspect is the "Like Kind and Quality" provision. Any violation by an insurer would be an unfair insurance trade practice and an unfair or deceptive trade practice by a manufacturer. Vote 11-0. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing the title with the following:

AN ACT

relative to after market parts.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to set forth standards for the prompt, fair and equitable settlements applicable to automobile insurance with regard to the use of after market parts. It is intended to regulate the use of after market parts in automobile damage repairs which insurers pay for on their insured's vehicle. The act requires disclosure when any use is proposed of a non-original manufacturer part. It also requires that all after market parts, as defined in this act, be identified and be of the same quality as the original part.

2 New Chapter; Motor Vehicle Insurers; Manufacturers; After Market Parts. Amend RSA by inserting after chapter 407-C the following new chapter:

CHAPTER 407-D
AFTER MARKET PARTS

407-D:1 Definitions. In this chapter:

I. "Insurer" includes any person authorized to represent the insurer with respect to a claim who is acting within the scope of the person's authority.

II. "Non-original manufacturer" means any manufacturer other than the original manufacturer of the part.

III. "After market part" means sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.

407-D:2 Identification. All after market parts manufactured after January 1, 1989, shall carry sufficient permanent identification so as to identify its manufacturer. Such identification shall be accessible to the extent possible after installation.

407-D:3 Like Kind and Quality. No insurer shall require the use of after market parts in the repair of an automobile unless the after market part is at least equal in like kind and quality to the original part in terms of fit, quality and performance. Insurers specifying the use of after market parts shall consider the cost of any modifications which may become necessary when making the repair.

407-D:4 Disclosure. The insurer shall disclose to the claimant in writing, either on the estimate or on a separate document attached to the estimate, the following information in no smaller print than 10 point type:

This estimate has been prepared based on the use of automobile parts not made by the original manufacturer. Parts used in the repair of your vehicle by other than the original manufacturer are required to be at least equal in like kind and quality in terms of fit, quality and performance to the original manufacturer parts they are replacing.

All after market parts installed on the vehicle shall be clearly identified on the estimate of such repair.

407-D:5 Enforcement.

I. Any violation of this chapter by an insurer shall be deemed an unfair insurance trade practice under RSA 417. Insurers violating any provision of this chapter shall be subject to penalties under RSA 417:13.

II. Any violation of this chapter by a manufacturer shall be deemed an unfair or deceptive act or practice within the meaning of RSA 358-A:2 and may be enforced by the attorney general pursuant to RSA 358-A.

3 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

4 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, regulates the use of after market parts in motor vehicle repairs. This bill requires disclosure by the insurer when any use is proposed of a non-original after market part. The bill also requires that each such after market part display the identification of its manufacturer.

This bill makes any violation of its provisions by an insurer an unfair insurance trade practice, and, by a manufacturer, an unfair or deceptive trade practice.

HB 1116-FN, providing health insurance to low-income people. Refer for Interim Study.

The matter of uninsured persons in New Hampshire is a very large one and any violation is bound to be complex. By studying this further, it is the hope of the Committee that a solution for New Hampshire can be found. As is usually the case, the matter of funding becomes key. Many states are grappling with the same problem and perhaps some states will come up with a viable solution which New Hampshire could model upon. Vote 11-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

HR 54, relative to the displacement of low and moderate income persons. Ought to Pass with Amendment.

House Resolution 54 is designed as a consciousness-raising piece. The Committee felt that displacement of low and moderate income persons by development is a serious problem, especially in our heavily-populated areas. Vote 10-1. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the resolution by replacing all after the resolving clause with the following:

That the House of Representatives recognizes the problems faced by low and moderate income persons displaced from their homes and shall strive to achieve a workable solution; and

That the House of Representatives calls upon the New Hampshire business community to be sensitive to present housing constraints within our communities and to provide neither encouragement nor favorable response toward any economic development which clearly results in the residential displacement of low and moderate income citizens.

AMENDED ANALYSIS

This house resolution states that it shall be a policy of the house of representatives to strive for a solution to the problems of low and moderate income persons displaced from their homes.

This house resolution, as amended, asks the New Hampshire business community to provide neither encouragement of nor favorable response to any economic development resulting in displacement of low and moderate income citizens.

HB 938, relative to plaintiff's payment of defendant's costs in tort actions. Refer for Interim Study.

Unfortunately, due to the length of the Committee's morning meetings, many members missed the testimony on this bill and the sponsors' amendment to it. The Committee understands that there is now an approach to this issue under federal practice and would like to consider adopting this in New Hampshire law. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

HB 792, relative to traveling in the breakdown lane of certain state highways under certain conditions. Inexpedient to Legislate. House Bill 792 addressed vehicles impeding the flow of traffic which is the same topic covered in HB 982. The difference between the two bills is that HB 792 would allow travel in the breakdown lanes. The sponsor of HB 792 agreed that HB 982 covered the material without using the breakdown lanes thus creating a problem with existing law. Vote 9-0. Rep. Burton W. Knight for Transportation.

HB 835, requiring a subcommittee of the house transportation committee to study the New Hampshire laws regarding motor vehicle salvage certificates of title and salvage vehicles. Refer for Interim Study.

The requests of the group wishing this bill to be introduced and studied presented considerable material at the hearing to support request. Vote 9-0. Rep. Irvin H. Gordon for Transportation.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety. Ought to Pass with Amendment.

The main thrust of this bill is to change the title "safety inspectors" to "highway enforcement officers." The amendment provides for independent inspectors and agents of the Commissioner of Safety to inspect carnival or amusement rides. Vote 13-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides.

Amend sections 11, 12, and 13 of the bill by replacing them with the following:

11 Inspections. RSA 321-A:2-a, I is repealed and reenacted to read as follows:

I. All carnival or amusement rides shall be inspected at the following times:

(a) Carnival or amusement rides operated at a fixed and regular location:

(1) By an independent inspector acceptable to the commissioner when originally put into operation for the use of the public. The director shall be notified of the operator's intent at least 10 days prior to the inspection.

(2) By the independent inspector acceptable to the commissioner within 15 days prior to the expected date of operation at the start of each season. The director shall be notified at least 10 days prior to the inspection.

(3) By an agent of the commissioner, after having been completely or substantially disassembled and reassembled.

(4) By the operator, daily on days of operation and prior to operation, using an inspection form developed by the director, which form shall be kept by the owner of the ride for a period of 2 years.

(5) By an agent of the commissioner, if warranted, after receipt of inspection reports.

(6) By an agent of the commissioner, at unannounced times.

(b) Carnival or amusement rides which are relocatable:

(1) By an independent inspector acceptable to the commissioner, upon initial annual assembly in New Hampshire, unless the independent inspector acceptable to the commissioner has inspected the rides within the 30 days prior to their entering the state. The director shall be notified at least 10 days prior to the inspection.

(2) By an independent inspector acceptable to the commissioner not less than 90 days and not more than 120 days after the

inspection required by subparagraph (1); provided, however, that, if the inspection required by subparagraph (1) was not conducted within the state of New Hampshire, then the inspection required by this subparagraph shall be conducted within the state of New Hampshire.

(3) By the operator on each day of operation, prior to operation, using the inspection form developed by the director. The form shall be forwarded to the director on a weekly basis, or upon relocation of the ride, whichever occurs first.

(4) By an agent of the commissioner, if warranted, after receipt of the inspection reports.

(5) By an agent of the commissioner at unannounced time.

12 Temporary Suspension. Amend RSA 321-A:7 to read as follows:

321-A:7 Temporary Suspension. The commissioner or director may order, in writing, a temporary suspension of operation of a carnival or amusement ride if it has been determined after inspection to be hazardous or unsafe; and [a safety inspector] *an agent of the commissioner* may order an immediate suspension of operation of a carnival or amusement ride if his inspection reveals that such ride is hazardous or unsafe. Operation shall not resume until such conditions are corrected to the satisfaction of the director or his designee.

13 Change in Reference. On the effective date of this act, all references in the RSA to "safty inspectors" in the department of safety shall be changed to read "highway enforcement officers", except as otherwise specified by this act. Any reference to "safety inspectors" in any rule adopted by the department of safety shall be construed to mean "highway enforcement officers".

AMENDED ANALYSIS

This bill is a request of the department of safety.

The bill changes the title of "safety inspectors" to "highway enforcement officers" in the department of safety.

This bill, as amended, also provides for independent inspector and agents of the commissioner of safety to inspect carnival or amusement rides.

Referred to Appropriations.

BB 876, relative to restricting speed limits of boats in certain coves on Squam Lake. Ought to Pass with Amendments.

The bill would limit the speed of any watercraft within Rattlesnake Cove and Inner and Outer Squaw Coves on Squam Lake to 6 miles per hour. The amendment changes the request for a low speed limit to a ban on any waterskiing in these areas, and appropriates the sum of \$35,000 to the University of New Hampshire to be used to purchase and provide selected monitoring equipment and test sets for use in the lake lay monitoring program. Vote 13-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restricting waterskiing in
certain coves on Squam Lake.

Amend the bill by replacing all after the enacting clause with the following:

1 Coves on Squam Lake. Amend RSA 486 by inserting after section 32 the following new section:

486:33 Certain Coves on Squam Lake. No person shall waterski within Rattlesnake cove or Inner and Outer Squaw Coves on Squam Lake. Any person who violates this section shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, prohibits waterskiing within Rattlesnake Cove or Inner and Outer Squam Coves on Squam Lake.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restricting speed limits of boats in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$35,000 is hereby appropriated to the University of New Hampshire, in PAU 06,06,01, for the biennium ending June 30, 1989. This appropriation shall be used to purchase and provide selected monitoring equipment and test sets for use in the lake lay monitoring program. This appropriation is in addition to any others made for the university for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill limits the speed of any power boat or other watercraft within certain coves on Squam Lake to 6 miles per hour.

The bill, as amended, makes a supplemental appropriation to the University of New Hampshire for the lake lay monitoring program.

Referred to Appropriations.

HB 879-FN, establishing a study committee relative to the promotion of electric vehicles in the state. Ought to Pass.

This bill establishes a 6-member committee to study the developing technology of the electric powered vehicle and the possible use of such vehicles by the state. The Committee realizes the value of non-polluting travel vehicles in the future. This bill would certainly be a start in the right direction. Vote 8-2. Rep. Richard L. Haynes for Transportation.

HB 887, relative to the jurisdiction of marine patrol officers. Ought to Pass with Amendment.

The bill is intended to define the list of state waters over which marine patrol officers have jurisdiction. The amendment removes "pools" from the list included in the bill. Vote 9-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 270:12-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Notwithstanding any other law to the contrary, the jurisdiction of marine patrol officers shall extend to any body of water within the state's jurisdiction, including streams, ponds, lakes, and rivers whether natural or man made.

HB 961, relative to the minimum speed limit for town roads outside of the urban district. Inexpedient to Legislate.

The Committee understood the desire expressed in HB 961 to set a very low speed limit in a certain area outside an urban district. Present law is very definite regarding the way of setting speed limits as expressed in RSA 265:62 and 265:63. Since this is a single request, the Committee did not believe an attempt should be made to cover it by trying to pass any legislation so different. Local authorities might want to refer to RSA 265:63, I(c). Vote 9-0. Rep. Irvin H. Gordon for Transportation.

HB 982, relative to vehicles impeding the flow of traffic. Ought to Pass with Amendment.

This bill requires the driver of a motor vehicle or other vehicle on a 2-lane highway, traveling slower than a reasonable speed, to turn off the highway at the nearest safe place to permit the following vehicles to pass. The present statutes do not allow for vehicles to pull over in the breakdown lane to allow people to pass. Feeling that this is at present being done by many well-intentioned people would add to the safety of our highways, the Committee recommends its passage into law. Vote 9-0. Rep. Roger Stewart for Transportation.

Amendment

Amend RSA 265:26-b, II as inserted by section 1 of the bill by replacing it with the following:

II. Any driver in violation of the provisions of paragraph I shall be guilty of a violation.

AMENDED ANALYSIS

This bill requires the driver of a motor vehicle or other vehicle on a 2-lane highway, traveling slower than a reasonable speed, to turn off the highway at the nearest safe place, to permit the following vehicles to pass.

A driver who fails to comply shall be guilty of a violation.

HB 1014, prohibiting jet skis on Nubanuset Lake and Spoonwood Pond in the towns of Nelson and Hancock. Ought to Pass with Amendment.

This bill would prohibit jet skis on Nubanuset Lake and Spoonwood Pond. The amendment changes the term "jet ski" which is a brand name to the generic term "ski craft" and gives a definition thereof. Vote 9-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting ski craft on Nubanusett Lake and Spoonwood Pond in the towns of Nelson and Hancock.

Amend section 1 of the bill be replacing it with the following:

1 New Section; Nubanusett Lake and Spoonwood Pond. Amend RSA 486 by inserting after section 32 the following new section:

486:33 Nubanusett Lake and Spoonwood Pond.

I. No person shall use or operate ski craft on Nubanusett Lake or Spoonwood Pond in the towns of Nelson and Hancock.

II. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device.

III. Any person who violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill, as amended, prohibits the use of ski craft on Nubanusett Lake and Spoonwood Pond in the towns of Nelson and Hancock.

HB 1023, prohibiting the use of jet skis on Silver Lake in the town of Harrisville. Ought to Pass with Amendment.

This bill would prohibit jet skis on Silver Lake. The amendment changes the term "jet ski" which is a brand name to the generic term "ski craft" and gives a definition thereof. Vote 9-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the use of ski craft on Silver Lake in the town of Harrisville.

Amend section 1 of the bill by replacing it with the following:

1 New Section; Silver Lake in Harrisville. Amend RSA 486 by inserting after section 32 the following new section:

486:33 Silver Lake in Harrisville.

I. No person shall use or operate ski craft on Silver Lake in the town of Harrisville.

II. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device.

III. Any person who violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill, as amended, prohibits the use of ski craft on Silver Lake in the town of Harrisville.

HB 1029, relative to boating safety education. Inexpedient to Legislate.

This bill establishes the requirement that all people under 16 years of age must have obtained a certificate of boating safety education before they are allowed to operate a boat on New Hampshire waters. It was the feeling of the Committee that this bill would have a serious impact on the tourists and boaters from out-of-state as their states may not have the certification available. Therefore, boating by tourists would be limited. Testing is already provided by the state, but not required. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

HB 1101-FN, relative to motor vehicle dealer plates. Inexpedient to Legislate.

This bill would extend the eligibility for possession of motor vehicle dealer plates. It would make "every person engaged in a related automotive business who demonstrates a need for such plates to the director" eligible. The Committee felt this eligibility too vague realizing special plates are now available for repair, transporting and wholesale of motor vehicles. Vote 10-0. Rep. A. Donald Thurston for Transportation.

HB 1134, relative to walking disability motor vehicle plates, cards, and parking privileges. Ought to Pass with Amendment.

This bill, as amended, authorizes the Director, Division of Motor Vehicles, to design and issue special motor vehicle license plates, decals, and cards to persons with permanent or temporary walking disabilities. The requirements for these are better defined than previously. Vote 12-0. Rep. Roger Stewart for Transportation.

Amendment

Amend RSA 261:88, I as inserted by section 2 of the bill by replacing it with the following:

I(a). The director shall design and issue, with approval of the commissioner, special number plates which shall incorporate the international accessibility symbol and shall make such plates available as an optional number plate to be used on motor vehicles:

(1) Owned by a person with a walking disability; or

(2) Owned by an organization in the private or public sector that is primarily engaged in a business in this state involving care, treatment, rehabilitation, or transportation of persons with walking disabilities.

(b) An applicant for such special plates shall furnish the director with satisfactory proof that he meets the requirements of subparagraphs (a)(1) or (2) of this paragraph. Upon request and for a fee of \$1.50 per plate, the director shall exchange such special plates for regular plates currently issued to an applicant who qualifies for special plates.

(c) In lieu of special plates, a person who would qualify for such plates shall upon request and for a fee of \$1.00 per decal, receive a decal incorporating the international accessibility symbol. The size of the decal shall be the same size as the registration decal, and shall be placed on the lower right-hand corner of the number plate. The decal shall be valid for as long as the plate to which it is affixed shall be issued to the person or the relative of the person with such disability, provided the disabling condition which necessitated it continues.

Amend RSA 261:88, V and VI as inserted by section 2 of the bill by replacing them with the following:

V. Any person who finds or has reason to believe that such special plate, decal, or card is being improperly used may report any such violation to the department. Any police officer of a city or town who finds that such special plate, decal, or card is being improperly used shall report such violation to the department. The director may, at his discretion, revoke such special plate, decal, or card for violation of any provision of law related to the use of walking disability plates, decals, or cards.

VI. The commissioner shall appoint an advisory committee to review complaints regarding such special plates, decals, or cards, to review applications for such plates, decals, or cards, to hear appeals of denials of such plates, decals, or cards, and to otherwise advise him on matters related to the administration of this section.

Amend RSA 265:69, I(j) as inserted by section 3 of the bill by replacing it with the following:

(j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has special number plates, decals, or a card issued pursuant to RSA 261:86, 87 or 88, or a similar license plate, decal, or card issued by another state or country displaying the international accessibility symbol and the person who qualifies for the plate, decal, or card is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$50.

Amend RSA 265:74 as inserted by section 4 of the bill by replacing it with the following:

265:74 Parking Privileges for Persons with Walking Disability. Any motor vehicle carrying the special plates, decals, or card issued to a person with a walking disability under RSA 261:88, or a similar license plate, decal, or card issued by another state or country displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged, for a continuous period of not more than 24 hours. The free parking shall only be allowed if the person who qualifies for the plate, decal, or card is being transported in the vehicle to or from the parking place.

Amend the bill by deleting section 5 and renumbering section 6 to read as section 5.

AMENDED ANALYSIS

The bill, as amended, authorizes the director, division of motor vehicles, to design and issue special motor vehicle license plates, decals, and cards to persons with permanent or temporary walking disabilities, and to organizations principally engaged in the care, treatment, rehabilitation or transportation of walking disabled persons. The bill establishes requirements for use of parking spaces reserved for disabled persons.

The bill, as amended, establishes a fee of \$1.00 for the motor vehicle decals.

The bill establishes an advisory committee to assist the commissioner of transportation on the issuance of walking disability plates, decals, and cards, to hear appeals of denials of such plates, decals, and cards, and to administer the program.

Reps. Palumbo and Chambers move that the Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 1:35 p.m. for the purpose of hearing an address by Reverend Pat Robertson.

Adopted.

RECESS

JOINT CONVENTION (Speaker presiding)

INTRODUCTION OF GUEST

Former Governor Meldrim Thomson, guest of the Joint Convention.

The Speaker introduced Reverend Pat Robertson who addressed the Joint Convention briefly.

Rep. Harold Burns and Sen. Dupont moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE (Speaker in the Chair)

COMMITTEE REPORTS (cont.) (Regular Calendar)

HB 1041-FN-A, establishing a committee to study and develop a plan for the protection of the Upper Ammonoosuc River watershed.(A) Ought to Pass.

This bill creates a committee to study and make recommendations regarding protection of the watershed areas of Nash Stream and Phillips Brook, and the Upper Ammonoosuc River. There is no appropriation except for mileage expenses of committee members. Final report is due by September 1, 1989. Vote 14 - 1. Rep. Susan Schwartz for Appropriations.

Ordered to third reading.

HB 742, relative to bidding practices at auctions. Inexpedient to Legislate.

This bill seeks to restrict the operations of auctioneers. The consensus of the majority was that auctioneers have their own Auctioneers' Board to regulate their activities, that there was no great outcry against their procedures and, thus, insufficient need for passage of this legislation. Vote 8-4. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Rep. Alf Jacobson spoke to the report.

On a voice vote the Speaker was in doubt and requested a division.

Rep. Guay abstained from voting under Rule 16.

143 members having voted in the affirmative and 127 in the negative, the report was adopted.

Resolution adopted.

HB 744, relative to contracts for the retail installment sales of motor vehicles. Ought to Pass with Amendment.

The amendment changes the value in the definition of a "motor vehicle" from \$7500 or less to \$15,000 or less, with the present cost

of automobiles this is practical - this valuation is used in the retail installment sales of motor vehicles under RSA 361-A. Vote 12-1. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 361-A:1, V as inserted by section 1 of the bill to read as follows:

V. "Motor vehicle" means any device having a cash sale price of [\$7,500] \$15,000 or less, propelled or drawn by any power other than muscular power, in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting power shovels, road machinery, buses, agricultural machinery and house and boat trailers.

AMENDED ANALYSIS

This bill, as amended, changes the cash sale price from \$7,500 or less to \$15,000 or less in the definition of motor vehicle for purposes of retail installment contracts.

Amendment adopted.

Ordered to third reading.

HB 930-FN, requiring severance pay to be paid to employees upon the closing of manufacturing facilities. Inexpedient to Legislate. Testimony from the public was from entities of less than 100 employees; but, the bill concerns 100 employees or more. Testimony also indicated there was concern about a business coming into New Hampshire for four or five years, and then leaving the state. The Commissioner of Labor testified that he does not know how he could provide the regulatory functions that would be required. The bill is far too general and broad in scope. Further testimony showed that approximately forty percent of the business entities addressed by the bill have a variety of severance pay programs now. We encourage businesses to move into our state, and communities vie for businesses within the state. This bill would impede this process. It would impose upon businesses, both union and non-union, an item that is properly negotiated under the collective bargaining processes. There was no compelling testimony or evidence that this bill is required. Vote 14-1. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

(Deputy Speaker Burns in the Chair)

HB 975, prohibiting state antitrust exemptions for insurance companies. Inexpedient to Legislate.

This legislation addresses Antitrust Laws that are already addressed both at the State level and McCarron/Ferguson at the Federal level. There is no valid need for this bill. Vote 10-1. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 1025-FN, requiring employers to offer health insurance benefits to part-time employees. Inexpedient to Legislate.

This bill concerns itself with mandating that employers offer health insurance to part-time employees who are employed on a regular basis

at 15 or more hours per week. It would require that the employees would pay for the insurance. The opposition was concerned to adverse selection (only those that were uninsured) would buy it. Vote 7-4. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

Rep. Arnesen moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Fraser spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Lozeau abstained from voting under Rule 16.

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YEAS 150

BELKNAP: Bowler, Richard Campbell, Golden, Maviglio, Randall, Lawrence Richardson and Thurston.

CARROLL: Robert Holmes and McIntire.

CHESHIRE: Blacketor, Cole, Daschbach, Doucette, Daniel Eaton, Foster, Frink, LaMar, Matson, Parker, Perry, William Riley and Schwartz.

COOS: Guay, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bennett, Chambers, Copenhagen, Dearborn, Densmore, Guest, Wayne King, LaMott, Lougee and Rounds.

HILLSBOROUGH: Baker, Baldizar, Bourque, Bowers, Buckley, Burkush, Cote, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Donovan, Dube, Dupont, Durant, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Gureckis, Marian Harrington, Humphrey, Chris Jacobson, Keefe, Korcoulis, Lanzara, Leclerc, Lown, McGlynn, Messier, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Pariseau, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon, Vanderlosk and Zajdel.

MERRIMACK: Bardsley, Beaton, James Chandler, Dunn, Fillion, Hager, Douglas Hall, Mary Holmes, Burton Knight, Walter Robinson, Gerald Smith, Tupper, Wallner and Yeaton.

ROCKINGHAM: Benton, Blanchard, Blanchette, Butler, Carpenito, Conroy, Cressy, Cushing, Ellyson, Beverly Gage, Elizabeth Greene, Hollingworth, Hynes, Robert Johnson, Joyce, Lovejoy, McGovern, Merchant, Pevear, Popov, Ritzo, Rosencrantz, Sanderson, Schwaner, Splaine, Vartanian, Vaughn and Weddle.

STRAFFORD: Casey, Dingle, Jean, Sandra Keans, Kincaid, Laurion, Martling, William McCann, Pelley, Francis Robinson, Wall, Wilson and John Young.

SULLIVAN: Brodeur, McKee and Sara Townsend.

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BELKNAP: Bolduc, Dexter, Hawkins, Holbrook, Jensen, Locke, Pearson, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Delano, Irvin Gordon, Grodin, Hunt, Morse, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Horton, Marshand Purrington.

GRAFTON: Bean, Blair, Christy, Driscoll, Hammond, McAvoy, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Bass, Boutwell, Cowenhoven, Cox, Domaingue, Drolet, Dykstra, Clyde Eaton, Fields, Granger, Grip, Guilbert, Hatch, Holden, Cornelius Keane, Alice Knight, Kurk, Levesque, Magee, Mason, Bonnie McCann, McRae, Moore, Packard, Paquette, Perham, Rodgers, Routhier, Sallada, Steiner, Tarpley, Wagner, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fraser, Gilbreth, George E. Gordon, Gross, Hayes, Hess, C. William Johnson, Kidder, Lewis, Lockwood, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Stio, West and Whittimore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, William Boucher, Marilyn Campbell, Lawrence A. Chase, Jr., Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Hoar, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Newell, Palumbo, Parr, Scamman, Schmidtchen, Seward, Sherburne, Simon, Sochalski, Sytek, Tilton, Tufts, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kinney, Koromilas, Parks, Proulx, Spear, Swope, Ann Torr and Ralph Torr.

SULLIVAN: Cutting, D'Amante, Domini, Flint, Krueger, Lindblade, Peyron, Rodeschin, Schotanus and Spaulding, and the motion lost.
Resolution adopted.

(Speaker in the Chair)

HBI 2020, relating to mandatory motor vehicle insurance.
Inexpedient to Legislate.

The issue raised addressed a problem, whereby an insured involved in an accident with an uninsured motorist, who is at fault, cannot collect for the deductible from his/her own insurance if the motorist is incapable of paying out of pocket that cost. As testimony indicated, the ten to fourteen percent of drivers who are uninsured often are incapable of paying damages equal to the insured's collision deductible.

The Committee feels very strongly that insurance policies should pay the deductible collision cost in an accident with an uninsured motorist, when the insured is not at fault. Members of the Committee intend to submit appropriate legislation to resolve this issue in the 1989 legislative session. Vote 14-1. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation. Ought to Pass.

This bill permits corporations to adopt limitations in their articles of incorporation on certain stockholders' suits against directors.

It will encourage "outside directors" to sit on the boards of New Hampshire corporations. Thirty states have adopted similar provisions. Vote 8-5. Rep. Thomas U. Gage for Judiciary.

Ordered to third reading.

HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire. Ought to Pass with Amendment.

After re-referral last year, study over the summer, and further review during its recent recommitment, the Committee has again voted to support this bill. The bill would require the cessation of any nuclear decommissioning financing charge to ratepayers in the event of the premature shutdown of any nuclear electric generating facility in the state. The amendment allows such charges to continue in the event that premature decommissioning is ordered by a state or federal agency on a generic or industry-wide basis. The amendment also requires that the decommissioning fund be managed by a New Hampshire financial institution or a financial institution with a New Hampshire affiliate should such an institution be eligible to do so under federal law and regulation. The amendment also adds needed definitions of terms and makes some other technical changes. Vote 6-2. Rep. Douglas E. Hall for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Decommissioning Fund; Committee Recommendations. Amend RSA 162-F:22, I to read as follows:

162-F:22 Changes in Funding Requirements.

I. At any time during the energy-producing life of the facility the committee may determine whether the amount of the funds shall be increased or decreased for reasons including, but not limited to, changes in circumstances, need, or technological advances. *The committee may also recommend a revised funding schedule pursuant to RSA 162-F:19, III.* Prior to altering the amount of the fund *or recommending a revised funding schedule*, the committee shall hold at least one public hearing in the city or town where the facility is located. All testimony shall be transcribed and made a permanent record.

3 New Definitions. Amend RSA 162-F:14 by inserting after paragraph V the following new paragraphs:

VI. "Anticipated energy-producing life" means the period for which the nuclear electric generating facility is licensed to operate by the United States Nuclear Regulatory Commission.

VII. "Premature shutdown" means that any of the following events occur prior to the end of the anticipated energy-producing life of the facility:

(a) a state or federal agency with jurisdiction orders the facility to be decommissioned, except when such order is generic or industry-wide;

(b) the owner or owners voluntarily close the facility for more than 12 months other than for scheduled or unscheduled repairs;

(c) the public utilities commission ascertains the facility is no longer generating electrical energy and that decommissioning of the facility should be commenced because of such non-use.

4 New Paragraph; Nuclear Decommissioning Financing Committee; Conflict of Interest. Amend RSA 162-F:15 by inserting after paragraph III the following new paragraph:

IV. Except for the representative of the lead company, committee members shall have no direct or substantial indirect financial interest in any facility subject to this chapter, in any company which owns directly or indirectly any portion of a facility subject to this chapter, in any institution involved in managing or handling a decommissioning trust fund, or in any company involved in any way in a contract or subcontract to decommission a facility subject to this chapter. Any member of the committee having any such interest shall appoint a designee to replace such member on the committee. The designee shall be subject to the provisions of this paragraph.

5 Decommissioning Costs; Profits on Sales as Deduction from Allowable Costs. Amend RSA 162-F:20, II to read as follows:

II. Upon completion of decommissioning, any earnings of the fund in excess of the specified amount, after deducting the reasonable expenses of administration, shall be returned to the owner or owners required to make deposits in such fund and shall cause an adjustment of the rates paid by the utility's customers. *Any amount, exclusive of proceeds of insurance, realized by the owner or owners of the facility as salvage on or resale of any machinery, construction equipment, and apparatus, the cost of which was charged as a decommissioning cost, shall be treated as a deduction from the amount otherwise payable on account of the cost of decommissioning the facility.* The committee, upon completion of decommissioning of the facility shall forward a report to the public utilities commission relative to the status of the account and the surplus to be derived by the owner or owners of the facility. Based on the committee's report and any other information the public utilities commission may request, the commission shall determine an equitable method for a reduction in the rates charged to the utility's customers to compensate for the overpayment to the fund.

6 Reference Change; Consumer Advocate. Amend RSA 162-F:21, III to read as follows:

III. Each committee shall rely on all available data and experience in determining the amount of such fund including, but not limited to, information from the United States Nuclear Regulatory Commission or its successor organization; the public utilities commission; the owner or owners of the facility; counsel for the public appointed under RSA 162-F:9; [counsel for the legislative utility consumers council] *the office of the consumer advocate*; and relevant construction cost indices. The committee shall publish a transcript of all proceedings during which information was presented or offered into testimony and a detailed analysis of the facts and figures used in determining the amount of the fund.

7 Funding Requirements; Premature Shutdown. Amend RSA 162-F:22, II(a)(1) and (2) to read as follows:

(1) a state or federal agency with jurisdiction orders the facility to be decommissioned, any charges included on utility customers' billing statements pursuant to RSA 162-F:19, III shall be discontinued within 30 days after the decommissioning order is issued, *unless such order is generic or industry-wide*;

(2) the owner or owners voluntarily close the facility for more than [6] 12 months other than for scheduled or unscheduled repairs, any charges included on utility customers' billing statements pursuant to RSA 162-F:19, III shall be discontinued within 30 days after the end of the [6] 12-month closing;

8 Funding Responsibility. RSA 162-F:22, II(b) is repealed and reenacted to read as follows:

(b) Premature shutdown costs and all decommissioning costs in excess of the accumulated nuclear decommissioning financing fund as of the occurrence of any event listed under RSA 162-F:22, II(a) shall be the responsibility of the owners of the facility and shall not be borne by the state or utility ratepayers.

9 Administration of Fund. Amend RSA 162-F:20, I to read as follows:

I. The state treasurer shall administer each fund established under this subdivision. The treasurer and the committee shall take every reasonable precaution to preserve the integrity of each non-taxable fund. Interest, dividends and other earnings of the fund shall, after deducting the expenses of administering the fund, be added to the fund and shall be considered payments to the fund until the specified amount is reached. *To the extent permitted under applicable federal law, all funds accruing to the nuclear decommissioning financing fund established by this subdivision shall be managed by New Hampshire financial institutions or by a financial institution with a New Hampshire affiliate or subsidiary. If no such New Hampshire institution, affiliate or subsidiary is allowed to manage the funds under applicable federal law, such funds may be managed by an out-of-state institution only until such time as a New Hampshire financial institution becomes eligible to manage said funds.*

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, requires the cessation of any nuclear decommissioning financing charge to ratepayers in the event of the premature shutdown of any nuclear electric generating facility in the state, unless such shutdown results from a generic or industry-wide decommissioning order by a state or federal agency. It permits the nuclear decommissioning financing committee to recommend revised funding schedules due to changes in the amount of decommissioning funds.

The bill, as amended, defines several terms associated with decommissioning of nuclear electric generating facilities, and limits reimbursement to owners of such facilities for certain costs associated with decommissioning of such facilities.

The bill, as amended, prohibits anyone with a direct or substantial indirect financial interest in companies owning, or involved in the operation or decommissioning of, nuclear electric generating facilities from serving on the nuclear decommissioning financing committee. Any member having such an interest must designate a replacement to serve on the committee.

The bill, as amended, corrects an outdated reference to the legislative utilities consumer council so that it refers to the office of the consumer advocate.

The bill also makes owners of nuclear electric generating facilities responsible for all costs related to premature shutdown and all decommissioning costs which exceed the amount available in the nuclear decommissioning financing fund at the time of the premature shutdown or decommissioning, unless the premature shutdown results from a generic or industry-wide decommissioning order by a state or federal agency.

The bill, as amended, authorizes the state treasurer to administer the nuclear decommissioning financing fund established by RSA 162-F:19, I. If permitted by federal law, a New Hampshire financial institution or an institution with a New Hampshire affiliate or subsidiary would manage the nuclear decommissioning financing fund. If such management is not permitted by federal law, an out-of-state institution would manage the fund until a New Hampshire institution qualified under federal law.

Rep. Sytek abstained from voting under Rule 16.

Amendment adopted.

Ordered to third reading.

HCR 12, urging the United States Congress to refrain from requiring the employment of parents in households receiving aid to families with dependent children until their children reach the age of 5 years.
Inexpedient to Legislate.

The Committee was sympathetic to some of the issues raised in HCR 12. In particular, the disparity between the number of licensed day care facilities and the potential number of pre-school children requiring day care. However, the resolution speaks of Congressional conclusions that have not been reached and mandating requirements that have not been established. Legislation, not an HCR, will be much more effective in helping to increase the number of licensed day care facilities and to establish appropriate work requirement guidelines for New Hampshire AFDC parents. Vote 8-3. Rep. Vincent J. Palumbo for State-Federal Relations.

Rep. Scott Green moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Parr and Palumbo spoke against the motion.

Rep. Daschbach spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 66 NAYS 250
YEAS 66

BELKNAP: Maviglio and Wixson.

CHESHIRE: Cole, Daschbach, Foster, LaMar, Matson, William Riley and Schwartz.

COOS: Oleson and Theriault.

GRAFTON: Arnesen, Chambers, Copenhagen, Densmore, Guest and Wayne King.

HILLSBOROUGH: Baldizar, Buckley, Cote, Donovan, Dupont, Durant, Joseph M. Eaton, Frank, Ruth Gage, Scott Green, Keefe, Leclerc, Long, McGlynn, Mulligan, O'Rourke, Pappas, Pignatelli, Reardon, Reidy, Leonard Smith, Sullivan and Zajdel.

MERRIMACK: James Chandler, Dunn, Hager, Douglas Hall, Burton Knight, Lockwood, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Hollingworth, Joyce, McGovern, Pevear, Sanderson and Weddle.

STRAFFORD: Casey, Sandra Keans, Kincaid, William McCann, Pelley and Francis Robinson.

NAYS 250

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Delano, Doucette, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Marsh, Mayhew, Nelson and Purrington.

GRAFTON: Adams, Bean, Bennett, Blair, Christy, Dearborn, Driscoll, Hammond, Lougee, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Bass, Bourque, Boutwell, Bowers, Burkush, Cowenhoven, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Drolet, Dube, Dykstra, Clyde Eaton, Fields, Nancy Ford, Genest, Granger, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Alice Knight, Korcoulis, Kurk, Lanzara, Lefebvre, Levesque, Lown, Lozeau, Magee, Mason, Bonnie McCann, McRae, Messier, Moore, Robert Murphy, Nixon, Packard, Paquette, Pariseau, Perham, Prestipino, Price, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Soucy, Steiner, Stiles, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hayes, Hess, Mary Holmes, C. William Johnson, Lewis, Millard, Nichols, Pantzer, Phelps, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Hoar, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Merchant, Newell, Palumbo, Parr, Popov, Ritzo, Rosencrantz, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Kinney, Laurion, Martling, Parks, Proulx, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, Lindblade, McKee, Peyron, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Rep. Schotanus notified the Clerk that he wished to be recorded against the motion.

Resolution adopted.

HB 760, relative to motor vehicles exempted from regulation as motor carriers. Majority: Inexpedient to Legislate. Minority: Refer for Interim Study.

MAJORITY: The Department of Transportation, under the present law, regulates and posts rates and standards to be met when applying for permit to operate. It was felt this law should be retained as it is. Vote 7-2. Rep. Harold D. Nelson for the Majority of Transportation.

MINORITY: The whole question of limousine service regulation is one that will have to be addressed legislatively in the near future. When the Legislature first wrote the law, there were few "for hire" limousines. In the past 5 years, the number of services operating has grown tremendously. Rate and regulations have not been adopted to the changed circumstances. Rep. Burton W. Knight for the Minority of Transportation.

Resolution adopted.

HB 1044, relative to the minimum age for operating a power boat in the state. Ought to Pass with Amendment.

This bill raises the minimum age from 15 to 16 years for operating a motorboat or outboard motor over 25 HP on the public waters of the state, unless accompanied by an adult. Vote 9-1. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 270:30 as inserted by section 1 of the bill by replacing it with the following:

270:30 Minimum Age for Operation. No person under the age of [15] 16 years shall operate upon the public waters of the state a motorboat or outboard motor having power in excess of 25 horsepower unless he is accompanied by an adult, and such adult shall be liable for personal injury or property damage which may result from such operation. Whoever violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill, as amended, raises the minimum age from 15 to 16 for operating a motorboat or outboard motor in excess of 25 horsepower on the public waters of the state, unless accompanied by an adult.

Amendment adopted.

Ordered to third reading.

HB 1075-FN, relative to the use of thrill craft on the lakes and ponds of the state. Ought to Pass with Amendment.

This bill was amended by taking out the term "thrill craft" and substituting the term "ski craft." The new term is then defined as a jet ski, surf ski, fun ski or other similar device. Other provisions call for the Department of Safety to designate areas where ski craft cannot be used and allow persons sixteen years of age or older to operate in any areas not so designated. Vote 12-1. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the use of ski craft on the
lakes and ponds of the state.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Ski Craft. Amend RSA 270 by inserting after section 72 the following new subdivision:

Ski Craft

270:73 Definitions. In this subdivision:

I. "Department" means the department of safety.

II. "Director" means the director of safety services in the department of safety.

III. "Operator" means a person who operates or who has charge of the navigation or use of a ski craft.

IV. "Private boat" means a boat as defined in RSA 270:2, V, including a ski craft.

V. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device.

VI. "Watercraft" means a motorized ski craft, capable of being used as a means of transportation on or in the water, except a seaplane.

270:74 Operation of Ski Craft.

I. No person shall operate a ski craft on the lakes and ponds of the state unless the person is 16 years of age or older.

II. The department shall adopt rules pursuant to RSA 541-A, to designate areas where ski craft shall not be operated.

III. After June 1, 1988, a person may operate a ski craft on the lakes and ponds of the state except in areas which are prohibited by the department.

IV. Ski craft shall not be operated within 150 feet of one another, other boats or the shore.

V. Any person operating a ski craft shall wear a personal flotation device which is Coast Guard approved type 1 or 2.

2 Repeal. RSA 270:30-G, relative to jet skis, is repealed.

3 Effective Date. This act shall take effect June 1, 1988.

AMENDED ANALYSIS

This bill, as amended, provides guidelines for the use of ski craft on the lakes and ponds of the state.

The department of safety shall adopt rules relative to designated areas where the use of ski craft on the lakes and ponds is prohibited.

Operators of ski craft shall be at least 16 years of age.

This bill defines ski craft to include jet skis, surf skis, fun skis, or other similar device.

Amendment adopted.

Ordered to third reading.

HB 1125-FN, relative to a committee to review requests for limits of speed and horsepower on the public waters of the state. Inexpedient to Legislate.

This bill would establish a 5-member committee to determine whether or not restrictions should be imposed on the use of public waters in the state. The Committee felt the present system of allowing the Commissioner or the Legislature decide these issues was working very well, therefore finding the bill inexpedient. Vote 8-2. Rep. Roger Stewart for Transportation.

Resolution adopted.

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.(A) Ought to Pass with Amendment.

This amendment releases Salem and Windham from emission testing since a study committee report showed Environmental Protection Agency standards would still be met. The new bridge will help Nashua rid itself of the pollution problem. Vote 14-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a second bridge across the Nashua River in the city of Nashua and removing the towns of Salem and Windham from the automobile emissions testing program.

Amend the bill by replacing all after section 1 with the following:

2 Automobile Emissions Inspection Program; Towns of Salem and Windham Excluded. Amend 1985, 403:1 to read as follows:

403:1 Program. The commissioner of the department of safety in conjunction with the director of the air resources agency shall implement a program of motor vehicle emissions inspection in the city of Nashua and the towns of Hollis, Merrimack, Litchfield, Hudson, Milford, Amherst, Pelham, Londonderry[,] and Derry, [Windham and Salem,] unless a study to determine which cities and towns in the area contribute significant traffic to the city of Nashua demonstrates that certain cities and towns are not necessary for the attainment of air quality standards in Nashua by 1990 with a reasonable margin of safety. The program shall apply to all vehicles on an annual basis.

3 Automobile Emissions Inspection Requirement; Towns of Salem and Windham Excluded. Amend 1985, 403:4 to read as follows:

403:4 Emissions Inspection Required. The director shall by rule designate a date no later than September 30, 1987, after which, except as otherwise provided in section 5 of this act and in addition to any other requirements for the registration of motor vehicles, the treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall not issue a permit pursuant to RSA 261:148 for a renewal of a certificate of registration of a private passenger vehicle which is to be registered to a person whose primary residence is within the city of Nashua or the towns of Hollis, Merrimack, Litchfield, Hudson, Milford, Amherst, Pelham, Londonderry[,] or Derry, [Windham or Salem,] unless excluded after completion of the study required by section 2 of this act, or unless the owner presents a valid emissions certificate or waiver with his application for registration.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Sections 2 and 3 of this act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill requires the commissioner of the department of transportation to participate in the design of a bridge in Nashua over the Nashua River.

The funding for this project shall be made when funds are available under the Surface Transportation and Uniform Relocation Assistance Act of 1987 and from the city of Nashua's 25 percent contribution.

The bill, as amended, also removes the towns of Salem and Windham from inclusion in the automobile emissions testing program.

Rep. Kidder moved that HB 310 be recommitted to the Committee on Appropriations.

Adopted.

HB 976, relative to insurers' reporting requirements. Inexpedient to Legislate.

This bill is identical to HB 614 (re-referred bill) which was killed by the House early in the Session. The issue of data collection and data reporting is being addressed by the Commerce Committee in HB 1202 which is a work product of the Tort Reform Commission. Vote

11-0. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

Rep. Sara Townsend spoke to the report.
Resolution adopted.

HB 836-FN, amending various highway laws. Ought to Pass with Amendment.

This bill makes certain changes in existing laws to bring them up-to-date with actions taken recently relative to such items as speed limits in school zones, highway markings and state aid to towns and cities for Class I, II and III highways. An amendment deals with changes in the Bureau of Common Carriers, transfer of certain inspectors and placing the fees by the Bureau of Common Carriers into the highway fund. It also makes provision for certification of certain personnel to become safety inspectors. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

Rep. Patricia Foss spoke to the report.
Rep. Irvin Gordon yielded to questions.
Rep. John Flanders spoke to the report and yielded to questions.
Rep. Stewart moved that HB 836 be referred for Interim Study.
Adopted.

SUSPENSION OF RULES

Rep. Kidder moved that House Rule 43(a) notice of the hearing shall be advertised in the House Calendar no less than four days prior to a hearing, be suspended on HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides, and HB 876, relative to restricting speed limits of boats in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire.

Rep. Gross spoke to the motion.
Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 885, relative to taking a boating safety course if convicted of any offense while boating. Inexpedient to Legislate.
This bill would require a person convicted of any violation, while operating a boat in addition to the other penalties imposed, to take a boat safety course. The Committee felt that with so many out-of-state operators of watercraft it would be almost impossible to enforce the provisions of the bill. Vote 9-0. Rep. Irvin H. Gordon for Transportation.

Rep. Maviglio moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Stewart spoke against the motion and yielded to questions.
Rep. Thurston spoke to the motion and yielded to questions.
On a voice vote the Speaker was in doubt and requested a division.

185 members having voted in the affirmative and 131 in the negative the motion was adopted.

Referred to Appropriations.

SUSPENSION OF RULES

Rep. Kidder moved that House Rule 43(a) notice of the hearing shall be advertised in the House Calendar no less than four days prior to a

hearing, be suspended on HB 885, relative to taking a boating safety course if convicted of any offense while boating.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 985, relative to the penalty for littering from boats.
Inexpedient to Legislate.

The bill was found to be duplicating and expanding present law. The Committee felt that active prosecution of present law was needed.
Vote 10-0. Rep. A. Donald Thurston for Transportation.

Rep. Beaton moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to her motion.

Reps. Irvin Gordon and Palumbo spoke against the motion and yielded to questions.

Reps. Dickinson, Leonard Smith and Rounds spoke in favor of the motion.

Rep. Kurk moved that HB 985 be recommitted to the Committee on Transportation and spoke to his motion.

Adopted.

Rep. Scamman, for the entire membership offered the following:

HOUSE RESOLUTION NO. 68

memorializing former Representative John O. Cate of Loudon.

WHEREAS, we have learned with great sorrow of the death of John O. Cate who during the four consecutive bienniums between 1975 and 1982 served as an honorable member of the the New Hampshire House of Representatives, and

WHEREAS, during his four terms as an elected Representative of the people, John O. Cate diligently and with devotion served as an energetic member of the Standing Committee on Environment and Agriculture, and

WHEREAS, having been a lifelong resident of Loudon, John O. Cate possessed great civic pride and spirit, and served the community as Supervisor of the Checklist, and as Trustee of Trust Funds, and

WHEREAS, John O. Cate was one of the organizers and a lifetime member of the Loudon Fire Department, and

WHEREAS, for fifty-five years, John O. Cate was a loyal and devoted member of the Blazing Star Masonic Lodge, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that John O. Cate be saluted and paid high tribute for his service as a member of the New Hampshire House of Representatives, and for his concern for the welfare of the community of Loudon, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 17 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses.

HB 748-FN-A, relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor.

HB 759-FN-A, relative to constructing facilities for the office of the chief medical examiner and making an appropriation therefor.

HB 765-FN-A, relative to the printing of "New Hampshire Historical Markers," and making an appropriation therefor.

HB 845-FN, relative to the department of corrections, allowing psychologists to conduct examinations for purposes of nonemergency involuntary admissions, and making an appropriation to the department of corrections.

HB 855-FN, relative to timber sales on fish and game department land.

HB 859-A, making an appropriation for the purchase of a building for the division for children and youth services.

HB 863-FN-A, relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors, establishing a police communications specialist position within the division of state police, and making an appropriation therefor.

HB 1193-FN, relative to chiropractic and making an appropriation therefor.

HB 1203-FN-A, relative to the payment of a claim against the state and making an appropriation therefor.

HB 850, exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond.

HB 966, relative to cellular radio telecommunications services.

HB 1008-FN, relative to after market parts.

HR 54, relative to the displacement of low and moderate income persons.

HB 879-FN, establishing a study committee relative to the promotion of electric vehicles in the state.

HB 887, relative to the jurisdiction of marine patrol officers.

HB 982, relative to vehicles impeding the flow of traffic.

HB 1014, prohibiting ski craft on Nubanusett Lake and Spoonwood Pond in the towns of Nelson and Hancock.

HB 1023, prohibiting the use of ski craft on Silver Lake in the town of Harrisville.

HB 1134, relative to walking disability motor vehicle plates, cards, and parking privileges.

HB 1041-FN-A, establishing a committee to study and develop a plan for the protection of the Upper Ammonoosuc River watershed.

HB 744, relative to contracts for the retail installment sales of motor vehicles.

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation.

HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire.

HB 1044, relative to the minimum age for operating a power boat in the state.

HB 1075-FN, relative to the use of ski craft on the lakes and ponds of the state.

Rep. Hawkins moved that the House adjourn to Wednesday, February 17 at 10:00 a.m.

Adopted.

The House adjourned at 4:05 p.m.

HOUSE JOURNAL 12

Wednesday, 17Feb88

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

It feels like the morning after the night before, Lord. Some of us come rejoicing, proud and confident because all seems to have gone well. Others come discouraged, as we conduct the postmortems of what we might have done differently. All of us come with anxious hopes for the well-being of our nation.

Grant us, Holy God, a sense of history, that we may learn from our past; and a sense of vision, that we may dream great dreams and willingly pay the price to make them come true. Amen.

Rep. McGlynn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Malcolm Harrington, McManus, Ann Derosier, Hardy, Howard Townsend, Geraldine Watson, Gross, Cutting, Nagel, Laurion, Russell Chase, Dupont, Eunice Campbell, John Flanders and Lussier, the day, illness.

Reps. Coulombe, Gagnon, Lionel Boucher, Pantelakos, Wagner, Baker, Bennett, Schofield, Gordon Arnold, Doucette, Michael Jones, Robert Holmes, Stewart and Pierce, the day, important business.

Reps. Gosselin, Wood, Joseph MacDonald and Rosencrantz, the day, illness in the family.

INTRODUCTION OF GUESTS

Group of Milford citizens, guests of Reps. Emma and Kenneth Wheeler.

SENATE MESSAGES CONCURRENCE

HB 331-FN, relative to filing returns under the interest and dividends tax.

HB 806, relative to the price of wine.

HB 769-FN, relative to rulemaking authority for the division of elderly and adult services.

HB 574-FN, relative to registering and the numbering of boats operating on state waters.

HB 968-FN, authorizing imposition of administrative fines by the water well board.

HB 741, relative to horsepower of motors on Spectacle pond in the towns of Enfield and Grafton.

HB 1038-FN, relative to credit services organizations.

(Deputy Speaker Burns in the Chair)

NONCONCURRENCE

HB 17, relative to building codes in municipalities.

HB 747, relative to the operation of bingo games at agricultural fairs.

HB 931, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts.

REQUESTS CONCURRENCE

SB 355-FN, appropriating additional sweepstakes revenues for foundation aid.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 648-FN, creating a political subdivision waste disposal financial relief study committee and changing a statutory reference in the hazardous waste laws. (Amendment printed SJ 2/2)

Rep. Elizabeth Greene moved that the House concur.
Adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 571-FN, relative to the certification and financial management of life care facilities and making an appropriation therefor.

COMMITTEE OF CONFERENCE REPORT

HB 571-FN, relative to the certification and financial management of life care facilities and making an appropriation therefor.

Report adopted.

(Speaker in the Chair)

Reps. Palumbo and Chambers moved that the Consent Calendar be the order of business at the end of the day after the Regular Calendar, and spoke to their motion.

Adopted.

The Speaker called for the Special Order.

HCR 11, concerning the budget of the United States. Ought to Pass. The Committee received an incredible amount of testimony and it was overwhelmingly in support of HCR 11.

HCR 11 rescinds the 1979 call for a Federal Constitutional Convention to be held for the purpose of proposing an amendment to require a balanced federal budget.

The Committee feels strongly, as do New Hampshire's citizens, that Congress should balance the federal budget as we do our state budget. The recent Bicentennial of our United States Constitution has reacquainted us all with the venerable document and the history behind its creation, adoption and success.

The Committee holds the same view, widely held among constitutional scholars, that notwithstanding the limited terms of the petition for a second convention, there are no constitutional means to limit the Convention to only a balanced budget amendment.

There exists a potential with a second convention to thoroughly rewrite the Constitution that has served us so well during the past 200 years.

The Committee strongly feels that the unknowns of the proposed Convention far outweigh the possible benefits. Furthermore, the majority of delegates to a second convention would be, because of resources and name recognition, the same majority of Congressmen and women who are now failing to balance the federal budget.

These same Congressmen and women have failed to abide by the federal law (Public Law 95-435, Section 7, October 10, 1978) requiring that "beginning with fiscal year 1981, the total budget outlays of the federal government shall not exceed its receipts."

The support for HCR 11 is as varied as it is wide with such diverse groups as the House Majority and Minority leaders, business and labor, as well as conservatives and liberals.

The Committee feels, the people of New Hampshire are prepared to seek changes to the Constitution to insure a balanced budget through the amendment process or through Congressional legislation. Vote 11-1. Rep. Vincent J. Palumbo for State-Federal Relations.

Reps. William Riley and Palumbo spoke to the report and yielded to questions.

Rep. Harold Burns moved that HCR 11 be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS 136 NAYS 177
YEAS 136

BELKNAP: Hawkins, Holbrook, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Dickinson, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Blacketor, Daschbach, Delano, Foster, Irvin Gordon, Grodin, Morse, Parker, Sawyer and David Young.

COOS: Brungot, Harold Burns, Horton and Kilbride.

GRAFTON: Adams, Bean, Blair, Christy, Dearborn, Driscoll, Hammond, Ezra Mann, McAvoy, Scanlan, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Beaupre, Bowers, Chretien, William Desrosiers, Donovan, Clyde Eaton, Joseph M. Eaton, Granger, Guilbert, Hatch, Healy, Humphrey, Robert Kelley, Alice Knight, Kurk, Leclerc, Magee, Messier, Morrissette, Robert Murphy, Paquette, Sallada and Steiner.

MERRIMACK: Eleanor Anderson, Laurent Boucher, Fraser, George E. Gordon, Hager, Hayes, Mary Holmes, C. William Johnson, Kidder, Lockwood, Millard, Nichols, Pantzer, Phelps, Provencal, Gerald Smith, Stio and Whittemore.

ROCKINGHAM: Barnes, Benton, Marilyn Campbell, Carpenito, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Magoon, William F. McCain, McKinney, Newell, Palumbo, Seward, Sherburne, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian, Warburton and Wright.

STRAFFORD: Appleby, Bates, Bernard, Dingle, Robert Jones, Koromilas, Lachance, Musler, Pelley, Ann Torr, Wall and Wilson.

SULLIVAN: Brodeur, D'Amante, Krueger, McKee, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 177

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Locke, Maviglio, Pearson, Lawrence Richardson and Wixson.

CARROLL: Powers.

CHESHIRE: Arnott, Frink, Hunt, LaMar, Matson, Perry, William Riley and Schwartz.

COOS: Brady, Frederic Foss, Guay, Lemire, Marsh, Mayhew, Nelson, Oleson and Theriault.

CRAFTON: Arnesen, Chambers, Copenhaver, Densmore, Guest, Wayne King, LaMott, Lougee, Rounds and Wadsworth.

HILLSBOROUGH: Ahern, Baldizar, Bass, Bourque, Buckley, Burkush, A. Leslie Burns, Cid, Cote, Cowenhoven, Cox, Gerard Desrochers, Paul Dionne, Domaingue, Drolet, Dube, Ducharme, Durant, Dykstra, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Grip, Gureckis, Marian Harrington, Holden, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Lefebvre, Levesque, Long, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, McRae, Moore, Nixon, O'Rourke, Packard, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, James Chandler, Dunn, Fillion, Gilbreth, Douglas Hall, Hess, Alf Jacobson, Lewis, Philbrick, Rehlander, Walter Robinson, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, William Boucher, Bucu, Butler, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Lovejoy, Mace, Malcolm, McGovern, Parr, Popov, Read, Sanderson, Schwaner, Scott, Splaine, Tilton, Vaughn, Walker, Welch and Wells.

STRAFFORD: Callaghan, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Kincaid, Kinney, Martling, William McCann, Parks, Francis Robinson, Spear, Ralph Torr and John Young.

SULLIVAN: Behrens, Domini, Flint and Lindblade, and the motion lost.

Rep. Warburton moved that HCR 11 be recommitted to the Committee on State-Federal Relations and spoke to his motion.

Rep. Parr spoke against the motion.

Rep. Vartanian spoke in favor of the motion and yielded to questions.

Rep. Chambers spoke against the motion and yielded to questions.

Rep. Sytek spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 118 NAYS 201

YEAS 118

BELKNAP: Golden, Hawkins, Holbrook, Lawrence Richardson, Thurston and Vogler.

CARROLL: Dickinson, Kenneth MacDonald and Saunders.

CHESHIRE: Cole, Grodin, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brungot, Harold Burns and Horton.

GRAFTON: Adams, Christy, Dearborn, Driscoll, Hammond, Ezra Mann, McAvoy, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Beaupre, Bowers, Chretien, William Desrosiers, Durant, Joseph M. Eaton, Granger, Grip, Guilbert, Hatch, Healy, Holden, Humphrey, Robert Kelley, Alice Knight, Leclerc, Levesque, Magee, Messier, Robert Murphy, Rodgers, Sallada, Steiner, Stiles, Stonner, Tarpley and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Laurent Boucher, James Chandler, Fraser, Mary Holmes, C. William Johnson, Lockwood, Nichols, Pantzer, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Barnes, Carpenito, Cooke, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Robert Johnson, George Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McKinney, Newell, Skinner, Splaine, Sytek, Tilton, Tufts, Vartanian, Walker and Warburton.

STRAFFORD: Bates, Bernard, Dingle, Robert Jones, Kincaid, Koromilas, Musler and Ann Torr.

SULLIVAN: Brodeur, Krueger, McKee, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 201

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Locke, Maviglio, Pearson, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Hounsell and Powers.

CHESHIRE: Arnott, Blacketor, Daschbach, Delano, Foster, Frink, Irvin Gordon, Hunt, LaMar, Matson, William Riley and Schwartz.

COOS: Brady, Frederic Foss, Guay, Kilbride, Lemire, Marsh, Mayhew, Nelson and Theriault.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Densmore, Guest, Wayne King, LaMott, Lougee, Rounds, Scanlan and Wadsworth.

HILLSBOROUGH: Ahern, Baldizar, Bass, Bourque, Buckley, Burkush, A. Leslie Burns, Cid, Cote, Cowenhoven, Cox, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Ducharme, Dykstra, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Gureckis, Marian Harrington, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Kurk, Lefebvre, Long, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, McRae, Moore, Morrisette, Nixon, O'Rourke, Packard, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Schneiderat, Shriver, Leonard Smith, Soucy, Sullivan, Turgeon, Vanderlosk, Ware, Emma Wheeler and Zajdel.

MERRIMACK: Austin, Bardsley, Beaton, Dunn, Fillion, Gilbreth, George E. Gordon, Hager, Douglas Hall, Hayes, Hess, Alf Jacobson, Kidder, Lewis, Manus, Millard, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Benton, Blanchard, Blanchette, William Boucher, Buco, Butler, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Drake, Gourdeau, Hoar, Hollingworth, Hynes, Joyce, Phyllis Katsakiores, Lovejoy, Mace, McGovern, Merchant, Palumbo, Parr, Popov, Read, Sanderson, Schwaner, Scott, Seward, Sherburne, Simon, Sochalski, Vaughn, Welch, Wells and Wright.

STRAFFORD: Appleby, Callaghan, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Kinney, Lachance, Martling, William McCann, Parks, Pelley, Francis Robinson, Spear, Swope, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, D'Amante, Domini, Flint, Lindblade, Normandin and Sara Townsend, and the motion lost.

Rep. Warburton moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, spoke to his motion and yielded to questions.

Motion lost.

Question now being on the Committee report, Ought to Pass.

Ordered to third reading.

COMMITTEE REPORTS (Regular Calendar)

HB 784, relative to control share acquisitions. Ought to Pass with Amendment.

The Committee agreed that HB 784, as originally printed, had possible implications of unconstitutionality. By adopting the amendment instead of the bill, our present anti-takeover law has been updated and appears to offer a solution, at least at present. Vote 13-1. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to disclosure of securities takeovers.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Target Company. RSA 421-A:2, VII is repealed and reenacted to read as follows:

VII. "Target company" means a corporation whose securities are or are to be the subject of a takeover bid that has:

(a) One hundred or more shareholders;
(b) Its principal place of business, its principal office, of substantial assets within New Hampshire; and

(c) Either:

(1) More than 10 percent of its shareholders resident in New Hampshire;

(2) More than 10 percent of its shares owned by New Hampshire residents; or

(3) Ten thousand shareholders resident in New Hampshire.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, redefines the term "target company" for the purpose of disclosure of security takeovers to the director of the office of securities regulation.

Amendment adopted.

Ordered to third reading.

HB 791, prohibiting banks and mortgage companies from engaging in certain activities. Inexpedient to Legislate.

This proposed legislation was met with strong resistance by all segments of the financial community, especially the credit union movement, which is governed by RSA 494. The Committee was unanimous in its position that the bill provided a cure where in fact, there was no illness. Vote 15-0. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 812, relative to mutual savings banks. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: A recent Supreme Court decision contains language which has placed the state's mutual savings banks in danger of being forced to give up their mutual status in response to proposals from outside predators. This bill protects the statutory powers of trustees and incorporators of mutual banks to review such offers without undue pressure. If they can only say yes to such offers, our mutual savings banks are clearly threatened with extinction. This bill presumes freedom of choice for trustees and incorporators whose service to the community otherwise could be lost. Vote 5-4. Rep. Bonnie B. Packard for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill gives the trustees and incorporators of mutual savings banks the right to deny any proposal that would cause a mutual bank from staying a mutual and not to interfere substantially with any conversion plans that are happening. The minority feels this takes away from depositors' rights of mutual banks and gives too much protection to trustees and incorporators. This bill is unnecessary because New Hampshire has had no problems with depositors forcing trustees and incorporators to become stock banks. Mutual banks should not have special protection when other New Hampshire banks do not have those same options. Reps. A. Leslie Burns, George H. Baker, C. Dana Christy and Cornelius J. Keane for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. A. Leslie Burns spoke against the report of the Majority and yielded to questions.

Reps. Francis Robinson and Packard spoke in favor of the report of the Majority.

Ordered to third reading.

HB 1022-FN, relative to investment of public funds. Ought to Pass with Amendment.

This bill, as amended, establishes requirements to be followed by all political subdivisions of the state when investing public funds. The bill addresses the types of investments allowed. It calls for semi-annual reporting of investments to the State Treasurer. The bill also states that whenever "the County Treasurer has excess funds in his custody which are not immediately needed for the purpose of expenditure, he shall, with the approval of the Commissioners, and the County Executive Committee, invest the same in accordance with the provisions" of this new chapter. This bill was unanimously endorsed by the Committee. Vote 15-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 6-C:3, III as inserted by section 1 of the bill by replacing it with the following:

III. Deposits, certificates of deposit, bankers' acceptances, and other evidences of deposits at commercial banks and savings banks. All investments shall be limited to a maturity of one year or less from the date of investment.

Amend RSA 6-C as inserted by section 1 of the bill by deleting sections 6-C:4 and 6-C:5 and renumbering the original sections 6-C:6, 6-C:7, and 6-C:8 to read as 6-C:4, 6-C:5, and 6-C:6.

AMENDED ANALYSIS

This bill establishes requirements to be followed by all political subdivisions of the state when investing public funds.

The bill outlines:

- a) the types of investments allowed;
- b) semi-annual reporting of investments.

The bill also changes the wording of the statutes regarding the duties of the county treasurer, the town treasurer, and the city treasurer to conform with this bill.

Amendment adopted.

Ordered to third reading.

HB 1181, relative to testing for the acquired immune deficiency syndrome. Inexpedient to Legislate.

This bill would have prohibited mandated tests by employers as a condition of employment or a termination of employment for persons with acquired immune deficiency syndrome. It would also prohibit mandating testing by insurers as a condition of receiving individual or group health care contracts or certificates. The majority of the Committee felt that it did not want to prohibit testing in some areas of employment. The insurance testing was addressed in HB 1162, which was passed on Tuesday, February 9th in the House. Vote 12-3. Rep. Philip G. Rodgers for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

CACR 25, relating to compensation of the legislature. Providing that the provision of the constitution relative to compensation of the legislature be repealed. Without Recommendation.

Article 15 gives the presiding officers of both houses the sum of \$250 from the State Treasury. All other members receive \$200 and their mileage. The Committee, being unable to break the deadlock, returns this bill without recommendation on a vote of 6-6. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Rep. Flanagan moved that CACR 25 be reported Inexpedient to Legislate, and spoke to her motion.

Rep. Sara Townsend spoke against the motion.

Rep. Holden spoke in favor of the motion.

Motion adopted.

Resolution adopted.

CACR 26, relating to line item veto power. Providing that the governor may approve appropriation bills in whole or in part. Ought to Pass with Amendment.

Out of fifty-two states at least forty-three allow line item vetoes. The Committee has amended the CACR to allow the Governor's veto to be overridden by a simple majority of the House - giving the House the final control - and the Legislature a chance to debate the issues. Vote 8-1. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Rep. Palumbo moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Chambers, LaMott and Kidder spoke in favor of the motion.

Rep. Flanagan spoke against the motion.

Rep. Ward spoke in favor of the motion and yielded to questions.

Motion adopted.

CACR 27, relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition. Refer for Interim Study.

CACR 27 would amend the New Hampshire Constitution to permit citizens to initiate by petition ballot questions to enact laws.

The initiative petition process is a very important part of the democratic process and New Hampshire is one of the few states without it. This well may be because of the 400 member House makes it easy for citizens to have bills introduced in the General Court.

This resolution needs much more refinement before it is sent to the voters. Decisions must be made on the method used for a question to be placed on the ballot, the number of petitioners necessary, what subjects if any are forbidden, what method will be used for appropriations, etc. Since time is now at a premium, this resolution should be prepared during interim study. Vote 9-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

Report adopted.

HB 941, to repeal the "poor loser" law. Inexpedient to Legislate. If this is repealed, then a candidate can lose his own party's nomination; and if he receives the required number of write-in votes, he can run on the other party ticket. Vote 6-3. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Resolution adopted.

HB 1145, establishing a committee to study voting uniformity.

Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: House Bill 1145, at this point in time, is unnecessary.

The Republican and Democratic parties have appointed a bipartisan committee to study the election laws of the state. In view of that the Constitutional and Statutory Revision Committee felt that it would be wise to wait and hear the recommendations of the bipartisan committee next session. Vote 5-4. Matthew J. Locke for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority considers this study committee an important part of the legislative process, to be involved and assist in voter registration as well as removal of barriers to voters. A committee authorized by the Legislature would carry more weight in the process of improving election laws. Rep. Cynthia A. McGovern for the Minority of Constitutional and Statutory Revision.

Resolution adopted.

Reps. Palumbo and Chambers moved that SB 170-FN, relative to licensure of mental health professionals, be made a Special Order for 2:15 p.m. in the afternoon.

Adopted.

HB 1188-FN, establishing age limits for the operation of OHRVs. Ought to Pass with Amendment.

House Bill 1188 sets strict age limits and requirements for the operation of OHRVs. It requires that all persons who cross highways or ride on public lands of the state have a valid driver's license or a certificate of completion of an OHRV safety course. This bill further requires mandatory reporting of all OHRV reported accidents. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend RSA 215-A:6, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. No person under 16 years of age shall operate an OHRV, except as provided in RSA 215-A:29. Notwithstanding any other provision of RSA 215-A, no person 12 years of age or under shall operate any all terrain vehicle unless he is on land owned or leased by his parent or guardian.

Amend RSA 215-A:6, XI as inserted by section 3 of the bill by replacing it with the following:

XI. Notwithstanding any other provision of RSA 215-A to the contrary, a person *at least 16 years of age* shall not be required to have a motor vehicle [operator's] *driver's* license while operating an OHRV upon a frozen surface of a public body of water as defined in RSA 215-A:1, XI, provided that such person shall hold an OHRV safety certificate. *Persons at least 12 but less than 16 years of age may operate an OHRV upon a frozen surface of a public body of water as defined in RSA 215-A:1, XI if such person holds an OHRV safety certificate.*

Amend RSA 215-A:29, II and III as inserted by section 4 of the bill by replacing it with the following:

II. A person shall not need a license to operate a snow traveling vehicle or OHRV unless he operates upon or across a public highway or any portion [thereof] *of such highway, or upon any public land of the state*, in which case said person must be at least 16 years of age and be licensed to [operate] *drive* a vehicle in accordance with the provisions of RSA 263, except that any unlicensed person, either a resident or a nonresident, over the age of 12 years who has successfully completed an approved OHRV safety training course[,] shall be allowed to operate [a snow traveling vehicle or trail bike] *an OHRV on public lands of the state or* across a highway as directly as possible. Such unlicensed person shall carry with him at all times while operating a snow traveling vehicle or OHRV evidence of the completion of an approved OHRV safety training course. Otherwise, a nonresident of this state must be at least 16 years of age and be duly licensed to [operate] *drive* a motor vehicle in the state of his residence. Neither a resident nor a nonresident *at least 16 years of age* shall be required to have a motor vehicle [operator's] *driver's* license while operating a snow traveling vehicle or OHRV upon any frozen surface of a public body of water pursuant to RSA 215-A:6, XI *if such person holds an OHRV safety certificate.*

III. Notwithstanding the provisions of this section, any operator holding a certificate of [competence] *completion* from an approved OHRV safety training [class] *course* authorized by the [state of] New Hampshire *department of fish and game* may operate an OHRV, except upon a public highway, under the following provisions:

(a) [Beginning April 1, 1983,] A person who is at least 12, but less than 16, years of age may operate an OHRV if one of the following conditions exists:

(1) The person is under direct supervision of a person who is 18 years of age or older; or

(2) The person has in his or her immediate possession an OHRV safety certificate issued pursuant to this chapter; or

(3) The person is on land owned, or under the control of, his or her parent or legal guardian; or

(4) The person possesses [a snow traveling vehicle] an OHRV safety certificate issued to the person under the authority of law of another state or of a province of Canada.

(b) A person who is operating an OHRV pursuant to this section shall present the OHRV safety certificate to any law enforcement officer who is empowered to enforce this section upon demand of said law enforcement officer.

Amend section 5 of the bill by replacing it with the following:

5 New Section; OHRV Injury Statistics Reporting; Safety Programs.
Amend RSA 215-A by inserting after section 32 the following new section.
215-A:32-a OHRV Statistics; Safety.

I. The executive director shall report annually to the registrar of vital records and health statistics pursuant to RSA 126:1 on any deaths or injuries occurring in the state related to the operation of OHRVs.

II. The executive director shall approve OHRV safety training courses after consultation with the director, division of public health services.

Amend RSA 125:9, X as inserted by section 6 of the bill by replacing it with the following:

X. Consult with and assist the executive director, department of fish and game in the review and approval of off highway recreational vehicle safety training courses.

AMENDED ANALYSIS

The bill, as amended, prohibits the operation of all terrain vehicles by persons under 12 years of age unless they are on land owned or leased by their parent or guardian. It also requires persons operating OHRVs on public lands or across highways to have a driver's license or have completed an approved OHRV safety training course.

The bill requires the executive director of fish and game to report annually on OHRV-related injuries and deaths to the office of vital records and statistics, division of public health services. The executive director of fish and game is to consult with the director, division of public health services, to review and approve OHRV safety training courses.

Amendment adopted.

Ordered to third reading.

HB 942, relative to treatment by physical therapy. Ought to Pass with Amendment.

This bill creates a two-tiered licensing system for Physical Therapists. It will give consumers direct access to physical therapy services for therapists in the new Physical Therapist II licensure category. Physical Therapist II will be permitted to evaluate and treat patients for up to 30 days without a referral, but must consult with a referral source in order to continue any treatment beyond 30 days.

Rules regarding licensure requirements for Physical Therapist II will be promulgated by the Board of Medicine and Registration and will include additional educational, competency and educational requirements. Licensure for Physical Therapist I will remain the same. Vote 15-1. Rep. Marion L. Copenhagen for Health and Human Services.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Physical Therapist. Amend RSA 328-A:1, II to read as follows:

II. "Physical therapist I" means an individual who is licensed to practice physical therapy in this state.

II-a. "Physical therapist II" means an individual who is qualified under the classification "physical therapist I" and who meets additional competency, education, and experience criteria established by the board under RSA 328-A:15, VIII.

2 Licensure Required. Amend RSA 328-A:2 to read as follows:

328-A:2 Licensure Required. No individual shall practice nor indicate ability to practice or designate himself or allow himself to be designated as a physical therapist *I, physical therapist II*, or a physical therapist assistant in this state unless he is licensed in accordance with the provisions of this chapter, except that this section shall not be construed to prohibit students who are enrolled in schools or courses in physical therapy or physical therapy assisting accredited by an agency recognized by the United States Department of Education and the Council on Post-Secondary Accreditation from performing work incidental to their respective courses of study, under the direct supervision of a licensed physical therapist *I or physical therapist II*. Any physical therapist or physical therapist assistant who is a graduate of a school accredited by an agency recognized by the United States Department of Education and the Council on Post-Secondary Accreditation but who has never been licensed in this or any other state, may, with the approval of the board upon receipt of application for licensure, obtain a temporary certificate valid for 6 months from the board to practice physical therapy or physical therapist assisting in this state under the direction and supervision of a licensed physical therapist *I or physical therapist II*. Failure to pass the licensure examination shall invalidate a temporary certificate. No more than one temporary certificate shall be issued to any eligible person.

3 Licensure. Amend RSA 328-A:6 to read as follows:

328-A:6 Licensure. The board shall license as a physical therapist *I, physical therapist II*, or a physical therapist assistant each applicant who proves to the satisfaction of the board his qualification for licensure under this chapter. It shall issue to each person licensed a certificate of licensure, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a licensed physical therapist *I (designated P.T. I), licensed physical therapist II (designated P.T. II)*, or a licensed physical therapist assistant (designated P.T.A.), subject to the conditions and limitations of this chapter.

4 Prohibited Practices. Amend RSA 328-A:11 to read as follows:

328-A:11 Prohibited Practices. *A person licensed under this chapter as a physical therapist II may evaluate and treat human ailments by physical therapy, but shall obtain consultation with a person licensed to practice medicine, dentistry, podiatry or chiropractic for a patient whose problem is outside the scope of physical therapy or in order to continue treatment beyond 30 days. A person licensed under this*

chapter as a physical therapist I shall not treat human ailments by physical therapy or otherwise except under the referral or prescription and supervision of a person licensed to practice medicine, dentistry, podiatry, or chiropractic. A person licensed under this chapter as a physical therapist assistant shall not undertake to practice independent of direction and supervision of a licensed physical therapist. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, or any other form or method of healing except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter.

5 Rulemaking Authority. Amend RSA 328-A:15, VII to read as follows:

VII. Temporary certificates for new graduates and foreign trained physical therapists[.];

VIII. *The demonstrated clinical competency, education, and experience necessary for licensure as a physical therapist II;*

IX. *The definition of consultation.*

6 Rulemaking Regarding Qualifications of a Physical Therapist II. The board of registration in medicine shall complete the rulemaking process and file final adopted rules for rules under RSA 328-A:15, VIII as required by RSA 541-A:3-f, III within 180 days of the effective date of this act.

7 Currently Licensed Physical Therapists. Any person licensed as a physical therapist on the effective date of this act and until the board begins licensing physical therapists II shall be considered a physical therapist I. After the board adopts rules concerning the criteria for licensure as a physical therapist II, any licensed physical therapist I may apply to the board for consideration for licensure as a physical therapist II.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, allows certain physical therapists, designated physical therapists II, to practice physical therapy without the referral or prescription and supervision of a licensed doctor, dentist, podiatrist or chiropractor, so long as such physical therapists obtain consultation for a patient whose problem is outside the scope of physical therapy or whose problem may require treatment beyond 30 days.

Any currently licensed physical therapist is automatically qualified as a physical therapist I. The board of registration in medicine shall adopt rules detailing the necessary qualifications for a physical therapist II and regarding the definition of consultation. The board shall license as physical therapists II those physical therapists who apply for and qualify as physical therapists II.

Amendment adopted.

Ordered to third reading.

HB 991-FN, relative to dental benefits for persons receiving medical assistance. Ought to Pass.

The Committee was unanimous in recognizing the practical economic sense of providing dental care to the categorically needy. The whole point of this bill is to help people get off welfare, and become self-respecting members of the work force. One needs teeth and a disease-free mouth in order to have a chance to compete for a job. Would you hire either a toothless person or a person with huge black gaps to be in your employ? Vote 13-0. Rep. Marion L. Copenhagen for Health and Human Services.

Ordered to third reading.

HB 751, relative to surrogate parenting contracts. Majority: Refer for Interim Study. Minority: Ought to Pass.

MAJORITY: The Committee after extensive discussion decided this bill, which would make surrogate parenting contracts unenforceable, should be placed in Interim Study and then studied along with all the other surrogate parenting bills proposed to the Legislature. Vote 12-2. Rep. Michael E. Jones for the Majority of Judiciary.

MINORITY: By rendering surrogate parenting contracts unenforceable in New Hampshire - as is the case in New Jersey following that state's recent Supreme Court ruling in the so-called "Baby M" case - the state is taking the least intrusive course in the affairs of its citizens in a matter which is wrought with controversial questions of ethics, morality, and the exploitation of women. No action by the Legislature other than to study the matter, which the majority proposes, would allow the present legal uncertainties surrounding these contracts to continue, to no one's benefit. Reps. Dean Dexter and Thomas U. Gage for the Minority of Judiciary.

Rep. Scott Green moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Refer for Interim Study, and spoke to his motion.

Rep. Hollingworth spoke against the motion.

Rep. Thomas Gage spoke in favor of the motion.

Rep. Alf Jacobson spoke against the motion and yielded to questions.

Rep. Dexter spoke in favor of the motion and yielded to questions. Motion lost.

Referred for Interim Study.

HB 834, relative to prima facie evidence. Ought to Pass with Amendment.

This bill allows an opposing party to offer evidence in rebuttal to prima facie evidence in both civil and criminal trials. Vote 8-7. Rep. C. William Johnson for Judiciary.

Amendment

Amend RSA 507:17 as inserted by section 1 of the bill by replacing it with the following:

507:17 Prima Facie Evidence. In any civil action, prima facie evidence means evidence which, if un rebutted, would be sufficient to establish a claim or defense. Introduction of prima facie evidence in any case shall not prevent the opposing party from offering evidence in rebuttal.

Amend RSA 606:11 as inserted by section 2 of the bill by replacing it with the following:

606:11 Prima Facie Evidence. In any criminal trial, prima facie evidence means evidence which, if un rebutted, would be sufficient to establish a claim or defense. Introduction of prima facie evidence in any case shall not prevent the opposing party from offering evidence in rebuttal.

AMENDED ANALYSIS

This bill, as amended, defines prima facie evidence. It also provides that introduction of prima facie evidence in any case shall not prevent the opposing party from offering evidence in rebuttal.

Amendment adopted.

Ordered to third reading.

RECESS

AFTER RECESS
(Speaker in the Chair)

COMMITTEE REPORTS (cont.)

SB 170-FN, relative to licensure of mental health professionals.
Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill is the culmination of the efforts of a blue ribbon task force established by HB 463 in the 1986 session laws. The multitude of data, and the diverse opinions of both the majority and minority of that task group, have been condensed and negotiated into the amended SB 170, which is a forward-looking approach to the practice and providing of mental health services to all persons who have been diagnosed with a diagnosis specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, or an equivalent of such manual as determined by the Board. This bill will provide the most competent and licensed services to such people who have been diagnosed, while not in any manner interfering with other counseling disciplines which deal with non-diagnosed complaints of the public. The bill, as amended, provides for the major concerns of chronic or long term mental disability as well as regular inpatient/outpatient professional treatment.

The cost factors as analyzed by Blue Cross/Blue Shield actuaries point to a significant savings for the largest insurer based upon the claims experience of that insurer, and there should be little, if any, impact on state costs. Vote 14-3. Rep. William F. McCain for Executive Departments and Administration.

MINORITY: The minority of the Committee strongly opposes SB 170. Although many months of work went into the bill by the Committee, and although opposing testimony was heard from representatives of the business community, representatives of health maintenance organizations, the commercial insurance industry, and even segments of the mental health profession itself, this bill failed to respond to the real needs of the citizens of New Hampshire. The expansion of the mandated coverages, the inclusion of new provider groups, the lack of a cap on outpatient benefits, and the possibility that coverage for services presently not mandated will now be required, all contribute to the excesses of this bill.

Senate Bill 170 is not a consensus bill as it relates to the work of the Governor's Mental Health Task Force. Passage of this bill will add to the burdens employers face in the struggle to provide the benefit of health insurance to valued employees. Rep. David B. Wright for the Minority of Executive Departments and Administration.

Rep. Wright moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Fillion spoke against the motion.

Reps. Sara Townsend and Hammond spoke in favor of the motion and yielded to questions.

Reps. William McCain, Packard and Hawkins spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 206 NAYS 118
YEAS 206

BELKNAP: Bolduc, Bowler, Dexter, Holbrook, Jensen, Maviglio, Randall, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Hounsell, McIntire, Olimpio and Saunders.

CHESHIRE: Arnott, Blacketor, Frink, Grodin, Hunt, Morse, Perry, Sawyer, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Oleson and Purrington.

GRAFTON: Adams, Bean, Blair, Christy, Driscoll, Guest, Hammond, Wayne King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Baldizar, Bass, Beaupre, Bourque, Bowers, Buckley, A. Leslie Burns, Champagne, Cote, Cowenhoven, Daigle, Gerard Desrochers, Domaingue, Donovan, Drolet, Ducharme, Durant, Clyde Eaton, Fields, Genest, Granger, Scott Green, Grip, Hatch, Healy, Holden, Humphrey, Robert Kelley, Alice Knight, Kurk, Leclerc, Lefebvre, Levesque, Lown, Lozeau, Magee, Bonnie McCann, McGlynn, McRae, Moore, Morrisette, Mulligan, Robert Murphy, Pappas, Paquette, Perham, Prestipino, Price, Rodgers, Routhier, Sallada, Leonard Smith, Soucy, Stiles, Stonner, Sullivan, Turgeon, Vanderlosk, Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, Dunn, Gilbreth, George E. Gordon, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Millard, Nichols, Provencal, Walter Robinson, Gerald Smith, Stio, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Blanchard, William Boucher, Butler, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Drake, Ellyson, Fesh, Harry Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Roger King, Mace, Magoon, Malcolm, McKinney, Merchant, Newell, Pevear, Popov, Ritzo, Schmidtchen, Scott, Seward, Simon, Skinner, Sytek, Tufts, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Callaghan, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Parks, Spear, Swope, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Domini, Flint, Krueger, Lindblade, McKee, Peyron, Rodeschin, Spaulding and Sara Townsend.

NAYS 118

BELKNAP: Richard Campbell, Golden, Hawkins, Pearson, Lawrence Richardson and Thurston.

CARROLL: Dickinson, Kenneth MacDonald and Powers.

CHESHIRE: Cole, Daschbach, Delano, Daniel Eaton, Irvin Gordon, LaMar, Matson, Parker and William Riley.

COOS: Brady, Lemire, Marsh, Mayhew, Nelson and Theriault.

GRAFTON: Chambers, Copenhagen, Dearborn, Densmore and Wadsworth.

HILLSBOROUGH: Ahern, Barbara Arnold, Burkush, Chretien, Cid, Cox, William Desrosiers, Paul Dionne, Dube, Dykstra, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Guilbert, Gureckis, Marian Harrington, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Mason, Messier, Nixon, O'Rourke, Packard, Pariseau, Pignatelli, Reardon, Reidy, Ellen-Ann Robinson, Schneiderat, Shriver and Tarpley.

MERRIMACK: James Chandler, Fillion, Fraser, Hager, Hess, Burton Knight, Lockwood, Manus, Pantzer, Phelps, Philbrick, Rehlander, Tupper and West.

ROCKINGHAM: Benton, Blanchette, Cushing, Felch, Flanagan, Beverly Gage, Robert Johnson, Joyce, Phyllis Katsakiores, Klemarczyk, Lovejoy, Maurice MacDonald, William F. McCain, McGovern, Palumbo, Parr, Read, Sanderson, Schwaner, Sherburne, Sochalski, Splaine, Tilton, Vartanian, Vaughn and Weddle.

STRAFFORD: Bates, Bernard, Casey, Anita Flynn, Edward Flynn, Lachance, Martling, William McCann, Pelley, Francis Robinson, Ann Torr and John Young.

SULLIVAN: D'Amante, Normandin and Schotanus, and the motion was adopted.

Rep. Long notified the Clerk that she wished to be recorded in favor of the Minority report, Inexpedient to Legislate.

Resolution adopted.

HB 1010, relative to regulation of abortions. Majority: Ought to Pass with Amendment. MINority: Inexpedient to Legislate.

MAJORITY: This bill repeals three (3) antiquated laws, dated from 1849, which are currently unenforceable. Vote 11-3. Rep. Deborah L. Arnesen for the Majority of Judiciary.

MINORITY: As amended, this bill removes all sanctions against abortion in state law which have been on the books since the 1800s, perhaps in anticipation of an eventual reversal of the Supreme Court's controversial Roe vs. Wade decision which currently permits abortion on demand in this country. The minority feels abortion is the taking of a human life, and that sanctions against this practice should not be removed from state statute by the people's elected representatives. Nearly 600 persons submitted pink cards against HB 1010 in its original form as well as against the amendment which was submitted by the sponsors at the public hearing. Many others were present to demonstrate against the bill following an anti-abortion rally at the State House, but were unable to express themselves at the hearing due to crowded conditions both in the hearing room and outside in the hallways, and because of time considerations. Support for abortion as a method of birth control and as a way to deal with very serious and often complex social problems appears to be losing ground, despite polls sponsored by the Planned Parenthood Organization, one of the primary abortion service agencies in the nation, which allege the opposite. Rep. Dean Dexter for the Minority of Judiciary.

Rep. Daniel Eaton moved that the words, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Murphy and Schwaner spoke against the motion.

Rep. Alf Jacobson spoke in favor of the motion.

Rep. Dexter spoke to the motion and yielded to questions.

Rep. Hager moved the previous question. Sufficiently seconded.

Adopted.

Rep. Murphy requested a roll call. Sufficiently seconded.

YEAS 212 NAYS 111
YEAS 212

BELKNAP: Bowler, Richard Campbell, Jensen, Maviglio, Randall, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, McIntire, Olimpio and Powers.

CHESHIRE: Blacketor, Daschbach, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, Matson, Morse, Parker, Perry, William Riley, Schwartz and David Young.

COOS: Harold Burns, Frederic Foss, Horton, Kilbride, Marsh, Mayhew and Purrington.

GRAFTON: Adams, Bean, Blair, Chambers, Copenhaver, Densmore, Hammond, Wayne King, Lougee, Ezra Mann, Rounds, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Baldizar, Bass, Buckley, Burkush, A. Leslie Burns, Chretien, Cote, Cowenhoven, Cox, Dube, Ducharme, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gureckis, Marian Harrington, Chris Jacobson, Cornelius Keane, Robert Kelley, Donna Kelly, Alice Knight, Levesque, Long, Lown, Lozeau, Magee, Bonnie McCann, McGlynn, McRae, Messier, Mulligan, Nixon, O'Rourke, Packard, Pappas, Perham, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk and Ware.

MERRIMACK: Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, George E. Gordon, Hager, Hayes, Hess, Alf Jacobson, Kidder, Burton Knight, Lockwood, Manus, Millard, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Benton, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Conroy, Cooke, Cushing, Drake, Ellyson, Fesh, Harry Flanders, Beverly Gage, Thomas Gage, Gourdeau, Haynes, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Lovejoy, Maurice MacDonald, Mace, McGovern, McKinney, Merchant, Newell, Palumbo, Pevear, Popov, Read, Ritzo, Sanderson, Schmidtchen, Sherburne, Simon, Splaine, Sytek, Tilton, Tufts, Vartanian, Warburton, Weddle and Wells.

STRAFFORD: Bates, Bernard, Casey, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Kinney, Koromilas, Martling, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, D'Amante, Flint, Lindblade, Spaulding and Sara Townsend.

NAYS 111

BELKNAP: Bolduc, Dexter, Golden, Hawkins, Holbrook, Pearson and Lawrence Richardson.

CARROLL: Gene Chandler, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Arnott, Cole, Delano, LaMar and Sawyer.

COOS: Brady, Brungot, Guay, Lemire, Nelson and Theriault.

GRAFTON: Christy, Dearborn, Driscoll, Guest, McAvoy and Scanlan.

HILLSBOROUGH: Ahrens, Beupre, Bourque, Bowers, Champagne, Cid, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Drolet, Genest, Granger, Scott Green, Grip, Guilbert, Hatch, Healy, Holden, Humphrey, Keefe, Kurk, Leclerc, Lefebvre, Mason, Moore, Morrisette, Robert Murphy, Paquette, Pariseau, Prestipino, Sullivan, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Fraser, Gilbreth, Mary Holmes, Lewis, Nichols and Stio.

ROCKINGHAM: Barnes, Bucu, Cressy, Felch, Flanagan, Elizabeth Greene, Joyce, Phyllis Katsakiores, Roger King, Klemarczyk, Magoon, Malcolm, William F. McCain, Parr, Schwaner, Scott, Seward, Skinner, Sochalski, Vaughn, Walker, Welch and Wright.

STRAFFORD: Appleby, Callaghan, Albert Dionne, Kincaid, Lachance, William McCann, Parks and Pelley.

SULLIVAN: Behrens, Domini, Krueger, McKee, Normandin, Peyron, Rodeschin and Schotanus, and the motion was adopted.

Referred for Interim Study.

HB 1027, relative to the publication of the names of juveniles convicted of possession of marijuana. Inexpedient to Legislate.

This bill proposes a significant change in the proceedings for juveniles in the proposed publication of names of juveniles convicted of distributing marijuana. Vote 13-2. Rep. C. William Johnson for Judiciary.

Resolution adopted.

HB 1098-FN, establishing a committee to study surrogate parenting. Ought to Pass with Amendment.

The Committee feels the matter of surrogate parenting is a complex issue dealing with emergency reproductive technologies, conflicting moral and ethical views, concerns about the health and emotional welfare of the parties, and legitimate constitutionally protected fundamental rights requiring the establishment of a broad based Committee study group. The Committee members shall be comprised of both men and women selected from the New Hampshire House and New Hampshire Senate, New Hampshire Medical Association, New Hampshire Attorney General's Office, New Hampshire Bar Association, a representative from an adoption agency, and a psychologist. This Committee shall be required to submit its findings and recommendations to the Legislature on or before November 15, 1989. Vote 13-1. Rep. Michael E. Jones for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study surrogate motherhood.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose. The general court recognizes that the public policy issues and legal issues surrounding surrogate motherhood are complex and unsettled. The committee on surrogate motherhood is hereby established to study these public policy and legal issues and to make recommendations for legislation in the 1990 legislative session.

2 Committee Membership; Appointment; Meetings.

I. The committee on surrogate motherhood shall consist of, but not be limited to, the following members:

(a) Two house members, one from each major political party, to be appointed by the speaker of the house.

(b) Two senate members, one from each major political party, to be appointed by the senate president.

(c) Two members of the New Hampshire Medical Society, one of whom shall be a medical ethicist, to be appointed by the New Hampshire Medical Society.

(d) The attorney general or a designee of the attorney general.

(e) One member to be appointed by an adoption agency selected by the division for children and youth services.

(f) One member who is a psychologist, appointed by the state board of examiners of psychologists.

(g) One member of the New Hampshire Bar Association, appointed by the New Hampshire Bar Association.

II. The committee shall consist of male and female members.

III. The members of the committee shall be appointed within 30 days of the effective date of this act.

IV. The committee shall meet at least once a month and shall hold at least one advertised public hearing.

3 Study; Report; Staff and Governmental Agency Assistance.

I. The committee shall examine the following issues:

(a) Surrogate motherhood contracts.

(b) Adoption laws.

(c) Reproductive technology.

(d) Existing or proposed laws or other regulations of surrogate motherhood.

(e) Any other pertinent issue.

II. The committee shall submit the results of its study in the form of a report, including recommendations for legislation, to the speaker of the house, the senate president, and the governor on or before November 15, 1989. Recommendations for legislation may be submitted to the director of legislative services on or before November 15, 1989, to be drafted and introduced as legislation for the 1990 legislative session, without requiring any other legislative action including suspension of the joint rules.

III. The senate research staff and house committee services office shall make their services available for the purpose of the committee's study and report, upon request of the committee.

IV. Any state agency or department, including the office of the governor, shall provide information for the committee's study and report, upon request of the committee.

4 Mileage. Legislative members of the committee shall receive mileage at the legislative rate.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a committee on surrogate motherhood to study the public policy issues and legal issues surrounding surrogate motherhood. The committee consists of 4 legislative members and 6 non-legislative members. The non-legislative members represent the

medical profession, adoption agencies, the department of justice, the legal profession, and psychologists.

The committee shall submit a report including recommendations for legislation, to the speaker of the house, the senate president, and the governor by November 15, 1989.

Amendment adopted.

Ordered to third reading.

HB 1108-FN, requiring probate court approval of surrogate parenting arrangements. Refer for Interim Study.

This bill would require surrogate parenting parties to receive probate court approval prior to entering into an agreement. The Committee feels this bill, along with all the other surrogate parenting proposals, should be reviewed further. Vote 13-1. Rep. Michael E. Jones for Judiciary.

Report adopted.

HB 1139, relative to surrogate parenting agreements. Refer for Interim Study.

This bill would require a formal adoption of a child born from a surrogate parenting agreement. The Committee feels this bill requires further study. Vote 13-1. Rep. Michael E. Jones for Judiciary.

Report adopted.

HB 823, relative to collective bargaining. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill clarifies the intent of the Legislature relating to the passage of the Collective Bargaining Law, and continues the practices of the Public Employee Labor Relations Board which had been followed for the past twelve years. Under this bill supervisory employees may not belong to the same bargaining unit as the employees they supervise, however, they may belong to the same union. The passage of this bill will avoid a situation in which the state or the local communities would be forced to negotiate with several different unions during the collective bargaining process. Vote 10-5. Rep. Patti Blanchette for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: In a school setting, a principal of a school building has district management responsibilities. Particularly, in the State of New Hampshire, where most of the SAUs have multiple school boards and school districts, the principal's position takes on an added dimension, and in many school districts the principal attends school board meetings regularly and joins the superintendent in reporting directly to the boards. The principal is recognized as an important part of the "management team" and is liable to lose effectiveness if loyalties become divided.

The fundamental idea of accountability, considered so important to the tradition and quality of education in New Hampshire, is endangered by this legislation. The principals and supervisors in our schools are held accountable, in the eyes of the public and the eyes of the school boards, for successful management of personnel and of school programs, and for improvement of student performances. If we are to hold principals and supervisors accountable, we cannot at the same time condone a structure which would place them in a compromising position where they might be represented in collective bargaining by the same union which represents teachers under their

supervision. Reps. E. Jane Walker, Gordon B. Flint, Stanley R. Vanderlosk and Robert H. Turner for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Walker moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Blanchette spoke against the motion and yielded to questions. Reps. Krueger and Ellen-Ann Robinson spoke in favor of the motion. Reps. Warburton and Maurice MacDonald spoke against the motion. A roll call was requested. Sufficiently seconded.

YEAS 197 NAYS 112
YEAS 197

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Holbrook, Jensen, Maviglio, Pearson, Lawrence Richardson, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Hounsell, McIntire and Saunders.

CHESHIRE: Arnott, Delano, LaMar, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brady, Frederic Foss, Kilbride, Marsh, Oleson and Purrington.

GRAFTON: Blair, Christy, Dearborn, Driscoll, Lougee, Ezra Mann, Scanlan, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Bourque, Bowers, Burkush, A. Leslie Burns, Champagne, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, Domaingue, Drolet, Dube, Ducharme, Clyde Eaton, Fields, Frank, Granger, Scott Green, Grip, Guilbert, Marian Harrington, Holden, Humphrey, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Kurk, Leclerc, Levesque, Long, Lozeau, Magee, Mason, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, Pappas, Pariseau, Perham, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Laurent Boucher, Fillion, George E. Gordon, Hayes, Kidder, Lewis, Lockwood, Manus, Nichols, Pantzer, Philbrick, Provencal, Rehlander, Gerald Smith, West and Whitemore.

ROCKINGHAM: Carl Anderson, Barnes, William Boucher, Bucu, Marilyn Campbell, Carpenito, Cooke, Cressy, Drake, Ellyson, Fesh, Flanagan, Harry Flanders, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Magoon, Malcolm, William F. McCain, McKinney, Merchant, Newell, Parr, Pevear, Ritzo, Schmidtchen, Schwaner, Scott, Seward, Simon, Skinner, Sochalski, Sytek, Tilton, Walker and Welch.

STRAFFORD: Appleby, Bernard, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Parks, Spear, Swope, Ann Torr, Ralph Torr, Wall and John Young.

SULLIVAN: Behrens, D'Amante, Domini, Flint, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 112

BELKNAP: Bowler and Hawkins.

CARROLL: Kenneth MacDonald, Olimpio and Powers.

CHESHIRE: Cole, Daschbach, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, Matson, William Riley and Schwartz.

COOS: Brungot, Harold Burns, Guay, Horton, Lemire, Mayhew, Nelson and Theriault.

GRAFTON: Adams, Chambers, Copenhagen, Guest, Wayne King, LaMott, McAvoy and Rounds.

HILLSBOROUGH: Ahern, Barbara Arnold, Baldizar, Beaupre, Buckley, Chretien, Cote, William Desrosiers, Donovan, Dykstra, Joseph M. Eaton, Nancy Ford, Ruth Gage, Genest, Gureckis, Healy, Chris Jacobson, Robert Kelley, Lown, McGlynn, Mulligan, Nixon, O'Rourke, Paquette, Prestipino, Price, Reardon, Reidy, Soucy, Sullivan and Zajdel.

MERRIMACK: Eleanor Anderson, Beaton, James Chandler, Dunn, Hager, Hess, Mary Holmes, Alf Jacobson, Burton Knight, Millard, Phelps, Stio, Tupper, Wallner and Yeaton.

ROCKINGHAM: Benton, Blanchard, Blanchette, Butler, Conroy, Cushing, Felch, Beverly Gage, Gourdeau, Hollingworth, Klemarczyk, Maurice MacDonald, McGovern, Palumbo, Popov, Sanderson, Sherburne, Splaine, Tufts, Vartanian, Vaughn, Warburton, Weddle, Wells and Wright.

STRAFFORD: Bates, Callaghan, Dingle, Lachance, Martling, Pelley, Francis Robinson and Wilson.

SULLIVAN: Brodeur and Sara Townsend, and the motion was adopted. Resolution adopted.

HB 956-FN, reenacting the mini Davis-Bacon Act. Inexpedient to Legislate.

House Bill 956 reenacts the mini Davis-Bacon Act, RSA 280. The repeal of RSA 280 was effective in 1985 and to date the construction climate, as well as construction wages, have increased at a much faster pace due to the economy in New Hampshire, and not a mandated wage scale. The economic climate and the number of construction firms have grown dramatically since the repeal of RSA 280 with the per capital income for the state increasing by 14% in 1987. The majority of the Committee feels this bill is inflationary for all New Hampshire taxpayers, as this legislation affects all public funded projects including the Department of Transportation, municipalities, and local school districts, increasing the cost by approximately 10%. This bill adds additional costs and burdens to the New Hampshire Labor Department in compiling and monitoring rates, as well as enforcing the law. Vote 8-7. Rep. E. Jane Walker for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 1030-FN, relative to sexual harassment in the workplace. Inexpedient to Legislate.

The Committee overwhelmingly agrees that all employers should have a policy on sexual harassment and that the employees should be informed of the policy. The provisions of this bill should be enforced, but under the jurisdiction of the Human Rights Commission, not the Department of Labor as the present draft requires. The Committee would welcome a revised version of this bill in another legislative

session. Vote 13-1. Rep. Patti Blanchette for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 1083-FN, relative to unemployment compensation. Inexpedient to Legislate.

This is the same bill (HB 675) which has been voted Inexpedient to Legislate. It is in conflict with basic tenants of the law. There is a question of who the Department of Employment Security would charge. Public entities (state, counties, cities, towns, school districts and others) are "reimbursable" employers. This would be a burden on such groups. Vote 10-7. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 1111, establishing unpaid leaves of absence for new parents.

Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill has a number of problems. First, it usurps negotiating. It would make problems in the State contracts with employees. It affects local communities both in costs and training. Also, the effect on small businesses is adverse. Such businesses cannot get temporary employees to fill in a short time. The cost of training such employees is high. The other possibility is to require overtime to cover needs. Vote 9-5. Rep. Calvin Warburton for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: House Bill 1111 permits a new parent or parents to take up to 4-1/2 months of unpaid leave without jeopardizing his or her jobs. There are documented medical and psychiatric studies establishing the importance of a child being with its parents during this crucial period. It is also important for the parents' health. The bill also allows parents to use their own sick leave to care for a sick child or parent. This is a good pro-family bill that encourages working people to have families and to care for them. If New Hampshire is going to attract and keep the responsible, hardworking, family-oriented people this kind of legislation is a necessity. Rep. Leslie C. Nixon for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Nixon spoke against the report of the Majority.

Rep. Turner spoke in favor of the report of the Majority.

Reps. Cushing and Manus spoke to the report of the Majority.

Resolution adopted.

HB 842, enabling the town of Madison to revoke the charter of the village district of Eidelweiss. Ought to Pass with Amendment.

The bill, as amended, deals with the problem of development in unincorporated places. This has been a potential problem for a number of years. The bill, as amended, places a moratorium on development in unincorporated and unorganized places for one year while a study committee takes an in-depth look at this potential problem. Vote 15-1. Rep. Chris Korcoulis for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that there is strong potential for development in unincorporated and unorganized places. This development is not subject to planning, zoning, legislation and related regulations, but may have a significant impact on surrounding communities as well as on the unincorporated and unorganized places. Development in such places should occur in a planned and rational manner. Time is needed to develop a mechanism for legislation and related regulations. The purpose of this act is to place a moratorium on the issuance of sewage or waste disposal permits in unincorporated and unorganized places until legislation and related regulations are in place, and to establish a committee to study development in unincorporated and unorganized places.

2 Committee. A committee to study development in unincorporated and unorganized places is established. The committee shall consist of 11 members, to be appointed as follows: 3 members of the house, appointed by the speaker; 3 members of the senate, appointed by the senate president; one member chosen by the governor; the attorney general, or his designee; the commissioner of the department of environmental services, or his designee; the director of the office of state planning, or his designee; and the commissioner of the department of revenue administration, or his designee. The chairman shall be chosen by the committee.

3 Study and Report.

I. The committee shall study the current status of regulation of development in unincorporated and unorganized places, and shall recommend additional planning, zoning, and related regulations.

II. The committee shall hold its initial meeting within 30 days of the effective date of this act. The initial meeting shall be called by the house member so designated by the speaker.

III. The committee shall report its findings together with any recommended legislation to the speaker and the senate president by December 1, 1988.

IV. All agencies and political subdivisions of the state shall provide such information for the study and report as requested by the committee.

4 Construction Moratorium.

I. Notwithstanding the provisions of RSA 149-E, the division of water supply and pollution control, department of environmental services, shall not approve plans or specifications for the construction of any sewage or waste disposal system in any unincorporated or unorganized place until February 1, 1989. This act shall not affect any plans or specifications approved prior to the effective date of this act.

II. Notwithstanding the provisions of RSA 149:8-a, the division of water supply and pollution control, department of environmental services, shall not issue written permission for any operation under that section in any unincorporated or unorganized place until February 1, 1989. This act shall not effect any written permission issued prior to the effective date of this act.

III. Notwithstanding the provisions of RSA 483-A, the wetlands board shall not grant any petitions, permits, or approvals with respect to any activity regulated under that chapter for excavating and dredging

in any unincorporated or unorganized place until February 1, 1989. This act shall not effect any petitions, permits, or approvals issued or granted prior to the effective date of this act.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

As amended, this bill establishes a committee to study the current status of regulation of development in unincorporated and unorganized places, and to recommend additional planning, zoning, and related regulations. The committee must report its findings by December 1, 1988.

As amended, the bill also prohibits the division of water supply and pollution control and the wetlands board from approving any plans, specifications, petitions, or permits or from issuing written permission, for any activity covered under RSA 149-E, 149:8-a, or 483-A in any unincorporated or unorganized place until February 1, 1989.

Amendment adopted.

Ordered to third reading.

HB 1016-FN, relative to municipal borrowing due to certain bankruptcies. Ought to Pass.

This legislation is not only timely, but critical for many communities in view of a recent bankruptcy filing by a major taxpayer. This bill authorizes municipalities in which a taxpayer representing over 5% of the local assessed valuation of the municipality files for bankruptcy, or is adjudged a bankrupt, to borrow money to offset any lost or delayed taxes caused by the filing or judgment. Vote 15-0. Rep. Lillian E. Soucy for Municipal and County Government.

Ordered to third reading.

HB 1040-FN, prohibiting towns from using public funds to remove snow from private roads and driveways. Inexpedient to Legislate.

This piece of legislation is not necessary; it is contrary to and defies New Hampshire Supreme Court decision, also reflects negative constitutional principals. Vote 14-1. Rep. Paul A. Golden for Municipal and County Government.

Resolution adopted.

HB 1133-FN, relative to home rule and municipal charters. Ought to Pass with Amendment.

This bill, as amended, sets a framework for when a town or city presents a municipal charter to the citizens for the purpose of establishing a town or city government. It insures consistency in the application of state statutes. The bill also establishes a study committee for the purpose of proposing future legislation to guide municipalities wishing to adopt a charter calling for a town form of government. Vote 14-0. Rep. Kurt A. Normandin for Municipal and County Government.

Amendment

Amend the bill by replacing section 3 with the following:

3 Amending Procedure for Charter Revision. Amend RSA 49-B:4, V, VI and VII to read as follows:

V. Within [30] 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent

material relative to its functions. Within [9] 8 months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting same. Within [12] 10 months after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general law. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 10 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular or special municipal election held at least [30] 60 days after the filing of the final report.

VII. The charter commission shall continue in existence for [30] 60 days after submission of its final report to the municipal officers for the purpose of winding up its affairs.

Amend the bill by replacing section 6 with the following:

6 New Section; Approval by Secretary of State. Amend RSA 49-B by inserting after section 5 the following new section:

49-B:5-a Approval, Review by Secretary of State.

I. Within 5 days of the filing of the final report relative to any new municipal charter, charter revision, or charter amendment affecting election officers or the conduct of elections, the municipal clerk shall file a certified copy of said report with the secretary of state. Within 14 days of the receipt of said report by the secretary of state, he shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the following general laws of this state dealing with election officers and dates:

(a) RSA 40:1, relative to moderators, except that the term "regular town business meeting" as used in RSA 40:1 shall be construed to mean regular town election in towns whose charters do not provide for a meeting for the conduct of town business.

(b) RSA 41:16, relative to town clerks, except that the term "annual meeting" as used in RSA 41:16 shall be construed to mean regular town election in towns whose charters do not provide for a meeting for the conduct of town business. The provisions of this subparagraph shall also apply to RSA 41:45-a, relative to the combined office of town clerk - tax collector.

(c) RSA 41:46-a, relative to supervisors of the checklist, except that a town which does not hold a regular town election in even-numbered years may elect supervisors in odd-numbered years.

(d) RSA 44:11, relative to election dates in cities.

(e) RSA 669:1, relative to election dates in towns.

II. If the secretary of state does not approve the proposed charter or charter amendment relative to RSA 49-B:5-a, I(a)-(e), such proposed charter or charter amendment question shall not be placed on the municipal ballot. The secretary of state shall specify his objections in writing to the municipal clerk within the period of time allowed for

review and shall offer recommendations for changes in language which would correct any inconsistencies he may find in the proposed charter or charter amendment to be voted upon. Failure to specify objections to a proposed charter or charter amendment under this section shall constitute approval by the secretary of state.

III. The governing body of the municipality may seek judicial review of the decision of the secretary by appeal in superior court, pursuant to RSA 49-B:10, IV.

Amend the bill by replacing sections 7-9 with the following:

7 Review of Current Charters. Within 30 days of the effective date of this act, the clerk of each municipality which has adopted a municipal charter pursuant to this act shall provide a certified copy of said charter to the secretary of state as in effect on that date. The secretary shall review each charter as authorized in RSA 49-B:5-a. Upon review by the secretary of state, he shall notify the governing body of each municipality whether its charter is in conformity with respect to the provisions of RSA 49-B:5-a. If a municipal charter is found not in conformity with said section, the governing body shall cause the proposed revisions or amendments which are necessary to be submitted to the voters of the municipality in the manner prescribed in RSA 49-B:5, I to bring said charter into compliance with said section.

8 Power Limited. Amend RSA 49-B:8 to read as follows:

49-B:8 Ordinance, Power Limited. Any municipality may, by the adoption, amendment or repeal of ordinances or bylaws, exercise any power or function [which the legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the constitution, general law or charter] *granted to a municipality by the constitution or general law*. No change in the composition, mode of election or terms of office of the legislative body, the mayor or the manager of any municipality may be accomplished by bylaw or ordinance.

9 Powers of Town Council. Amend RSA 49-B by inserting after section 8 the following new section:

49-B:8-a Powers of Town Council. Notwithstanding any provision of law to the contrary, if a town should adopt a charter which provides for a town council form of government, all powers and duties of selectmen conferred by statute or the constitution shall hereby be conferred on the town council. The town council shall also be empowered to address all matters that general law requires to be addressed at the annual or a special meeting of a town, except those matters which by statute must be placed upon the official ballot of the town. All procedural requirements prescribed by law relative to the actions of a town shall also apply to the actions of a town council, including the power to appoint a town manager or other administrator, and to delegate to the manager the authority and responsibility to carry out policies established by the council.

Amend the bill by replacing all after section 10 with the following:

11 Effect of Charters on Certain Laws. RSA 49-B:9 is repealed and reenacted to read as follows:

49-B:9 Private, Special, and General Laws. Private and special laws applying to a specific municipality and general laws which a municipality has the option to adopt or rescind shall continue in force and effect unless specifically repealed by a charter adoption, revision, or amendment under this chapter.

12 November Elections Authorized. RSA 669:1 is repealed and reenacted to read as follows:

669:1 Election Dates.

I. All towns shall hold an election annually for the election of town officers on the second Tuesday in March except those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at the previous town meeting, decided to elect officers on the second Tuesday in May.

II. Notwithstanding the provisions of paragraph I of this section, any town which has adopted a municipal charter under the provisions of RSA 49-B:1-6 may establish the second Tuesday in March, the second Tuesday in May, or the first Tuesday after the first Monday in November in odd-numbered years as the date for the election of town officers.

13 Committee Established; Purpose; Membership. There is hereby established a study committee charged with preparing any necessary guidelines or recommending any necessary legislation to guide municipalities which undertake a charter adoption, revision, or amendment. The committee shall consist of 12 members: 3 members of the house of representatives, appointed by the speaker; 3 members of the senate, appointed by the president; the secretary of state or his designee; the attorney general or his designee; one member from the New Hampshire Municipal Association, appointed by its president; one person from the department of revenue administration, appointed by the commissioner; one attorney who has had experience in reviewing proposed municipal charters, appointed by the attorney general; and one elected municipal official from a town which has adopted a charter pursuant to RSA 49-B, appointed by the governor. Committee members shall serve without compensation or expenses; however, members of the general court shall receive mileage at the legislative rate. The report of the committee and any recommended legislation shall be filed with the president of the senate and the speaker of the house of representatives prior to the deadline for filing legislation for the 1989 session of the general court.

14 Repeal. RSA 49-B:11, relative to construction, is repealed.

15 Effective Date.

I. Section 13 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill specifies that when a town or city presents a municipal charter to its citizens for the purpose of establishing a town or city government, the proposed charter must denominate the municipality either as a city or a town, with a specific form of city or town government. The bill also states that any charter which is adopted shall not conflict with current state law governing elections.

The bill, as amended, also:

(1) Changes the times within which a charter commission must hold a public meeting and prepare certain reports.

(2) Changes the time for holding an election to vote on a proposed new charter, revision, or amendment, and the duration of a charter commission.

(3) Limits the use of special meetings for proposed amendments to charters.

(4) Requires the secretary of state to review and approve existing municipal charters as well as proposed charters, revisions, and amendments.

(5) Requires the secretary of state to specify his objections to a proposed charter or charter amendment.

(6) Amends the language authorizing municipalities to exercise certain powers.

(7) Confers all powers and duties of selectmen on town councils in towns which adopt a town council form of government.

(8) Provides for judicial review of decisions of the secretary of state concerning his approval of municipal charters, revisions, and amendments.

(9) Clarifies the effect of a charter adoption, revision, or amendment on private, special, and general laws.

(10) Authorizes November elections in certain towns.

(11) Establishes a study committee to prepare guidelines or propose legislation to guide municipalities that wish to adopt, revise, or amend charters.

Amendment adopted.

Ordered to third reading.

HB 1137-FN, relative to the reports required by and the setting of tax rates for municipalities, counties, and school districts. Ought to Pass with Amendment.

This bill makes information needed for setting tax rates available at earlier dates than in the past which should help in rates being set earlier. The study committee dealing with municipalities setting their own tax rates is continued. Vote 16-0. Rep. Frank E. McIntire for Municipal and County Government.

Amendment

Amend RSA 21-J:34, III as inserted by section 1 of the bill by replacing it with the following:

III. A financial report for each city, town, school district, and village district shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before April 1 if the municipality keeps its accounts on a calendar year basis; or on or before August 31 if the municipality keeps its accounts on an optional fiscal year basis pursuant to RSA 31:94-a. School districts shall submit financial reports on or before August 31 of each year.

Amend RSA 21-J:34, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. If a city, town, school district, or village district is audited by an independent public accountant, it shall submit a copy of the audited financial statements in accordance with RSA 21-J:19, III.

Amend the bill by replacing section 4 with the following:

4 Estimating Revenues; Accumulated Surplus. RSA 21-J:35, IV is repealed and reenacted to read as follows:

IV. If the commissioner finds that the estimated revenues included are inaccurate or inappropriate, he shall adjust the estimates in question.

(a) In computing any city, town, or village district tax rate, the commissioner shall deem any accumulated surplus or accumulated unappropriated fund balance to be available to reduce the tax rate. The commissioner shall adopt rules under RSA 541-A regarding the acceptable percentages of accumulated surplus which may be retained by a city, town, or village district.

(b) All state revenue estimates necessary for the computation of municipal tax rates shall be filed with the commissioner of revenue administration on or before September 1 of each year. If such

revenue estimates are not submitted by September 1, then the commissioner may use the prior year's revenue figures, or the best available revenue estimates, for the computation of municipal tax rates.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill sets dates for the governing bodies of cities, towns, school districts, and village districts to submit the financial reports and other documents to the commissioner of revenue administration which are necessary for computing and establishing their tax rates. The bill also specifies what must be contained in each report.

The bill authorizes the commissioner of revenue administration to set tax rates for counties, school districts, and village districts, in addition to cities, towns, and unincorporated places, and, in computing any city, town, or village district tax rate, to deem any accumulated surplus or accumulated unappropriated fund balance, to be available to reduce the tax rate.

The bill also continues the existence of the study committee established in 1987 to study granting municipalities the option of setting their own tax rates until November 1, 1988.

Amendment adopted.

Ordered to third reading.

HB 1190, relative to the Belknap county attorney. Ought to Pass. This legislation presented by members of Belknap County Delegation represents the efforts of a long overdue update of increasing the range of flexibility in the practice of criminal law for the Belknap County Attorney. Vote 11-4. Rep. Paul A. Golden for Municipal and County Government.

Ordered to third reading.

HB 832, establishing a 10-year bridge construction and reconstruction plan. Ought to Pass.

The Committee on Public Works feels that HB 832 takes a big step forward in establishing a 10-year bridge plan for the State of New Hampshire. This action is long overdue and establishes a list of priorities for replacement and repair of New Hampshire's bridges. Vote 17-0. Rep. Gene G. Chandler for Public Works.

Ordered to third reading.

HB 1191-FN, enabling municipalities to impose capital improvement impact fees. Inexpedient to Legislate.

This bill would authorize cities and towns which have adopted a zoning ordinance, a capital improvements budget, and has a planning board which has developed a master plan to impose "Impact Fees" (the cost of capital improvements) on all new construction which results in real property improvement as well as capital improvement, i.e. sewage, water and roadway costs for the municipality. It is expected that such fees would be passed on to the buyer of property within the area under development. Assessing these fees on new home buyers, in addition to the Real Estate Transfer Tax, would further aggravate the problem of home purchases because of the increased cost. It seems that an impact fee would be counterproductive in helping to solve the

critical housing shortage for low income first-time home buyers.
Vote 8-2. Rep. Henry F. Whitcomb for State Institutions and Housing.

Resolution adopted.

HB 786, prohibiting the transportation of persons and domesticated pets in open bed trucks. Ought to Pass with Amendment.
The amendment to this bill would prohibit the transportation of domesticated pet animals from riding in the body of pick-up trucks or on the bed of an open bed truck. Exceptions are made if the animals are in a secure cage or being used in hunting activities. The Committee, after several drafts of amendments, felt this was the one to present to the House. Vote 9-2. Rep. Irvin H. Gordon for Transportation.

Rep. Bass moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Haynes spoke to the motion.

Motion adopted.

Resolution adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 2017, requiring licensure of persons performing construction or repair work on state roads and highways, was removed at the request of Rep. Lefebvre.

HB 734, relative to posting of bond by administrators of estates, was removed at the request of Rep. Scott Green.

HB 950, requiring statutory authorization for DWI roadblocks, was removed at the request of Rep. Welch.

HB 1017-FN, relative to testing private water supplies for contaminants, was removed at the request of Rep. Hunt.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 783, relative to grandparents' visitation rights. Ought to Pass with Amendment.

This bill allows the court to grant visitation rights to grandparents of a minor child; and requires the court to find that visits by the grandparent are in the best interest of the child and will not significantly interfere with the parent/child relationship. The amendment broadens the definition of grandparents to include all cases access to the courts. Vote 14-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Grandparents' Visitation Rights. Amend RSA 458 by inserting after section 17-b the following new section:

458:17-c Grandparents' Visitation Rights. If a parent of a minor child is deceased, divorced or unwed, or if a stepparent, married to the child's custodial parent, adopts the child pursuant to RSA 170-B, any grandparent, natural or adoptive, may petition the court for reasonable rights of visitation with the minor child. If the minor child is removed from the custody of his natural or adoptive parent by the state and placed in another household, pursuant to RSA 169-B, RSA 169-C, and RSA

169-D, then any grandparent, natural or adoptive, may petition the court for reasonable rights of visitation with the child. If the parents of the minor child are unwed then any grandparent of the minor child may petition the court for reasonable rights of visitation with the child. The court shall grant reasonable rights of visitation upon finding that such rights would not significantly interfere with any parent-child relationship or with a parent's rightful authority over the child and that such rights would be in the best interests of the child. The court shall consider the amount of contact between the petitioning grandparent and the child and the child's expressed wishes. The court may modify or terminate any order made pursuant to this section to reflect changed circumstances of the parties involved. This section shall not affect the rights of a child or natural or adoptive parent under RSA 170-B:20.

3 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill gives standing to any grandparent of a minor child to petition the court for rights of visitation with the child if a parent of the child is deceased, divorced or unwed, if a stepparent married to the custodial parent legally adopts the child, or if the child is placed in another household pursuant to a court order. Before visitation rights will be granted, the bill requires the court to find that visits by the grandparent will not significantly interfere with the parent-child relationship and that the visits would be in the best interest of the child.

HB 853-FN, exempting the WIC program from state indirect cost rate requirements. Ought to Pass.

The WIC Program offers supplemental nutritious foods and nutrition education to nutritionally at risk women, infants and children. This bill would exempt WIC from the state's indirect cost requirements. The approximately \$105,000 per year that would go directly to the WIC Program would enable WIC to serve an additional 500 people. Vote 13-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

HB 965-FN, establishing a study committee to examine the issue of parenting skills training. Ought to Pass.

The bill establishes a study committee to examine the issue of providing parenting skills training for parents whose children are in foster homes for reasons of abuse, neglect or other shortfalls in parental responsibility. Vote 12-1. Rep. Debora B. Pignatelli for Children, Youth and Elderly Affairs.

HB 1055-FN, relative to the committee studying the laws pertaining to the elderly. Inexpedient to Legislate.

The Committee action is in response to a request of the sponsors who testified that the bill is not needed to support the work of the study committee. Vote 14-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

HB 1059, relative to wage assignment. Inexpedient to Legislate. Testimony from the legal community revealed that this proposal impacts several RSAs. The Committee felt that more time and expertise is required to resolve this issue. Vote 12-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

HB 1084-FN, relative to relinquishment of parental rights. Inexpedient to Legislate.

This bill was voted out of Committee as Inexpedient to Legislate at the request of the sponsor. Vote 13-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 1096-FN, relative to the definition of a child in need of services. Inexpedient to Legislate.

The Committee was unanimous in its opinion that it would be unwise to amend the CHINS Statute to address the problem being presented in this bill. The Committee is aware that there are some serious problems in our system of juvenile service which must be remedied. SB 325, which will be coming before the Committee later may take a more appropriate approach to this problem. Also, this bill would increase State and County costs over \$1,000,000 each year to remedy the problem of one child. Vote 14-0. Rep. Monte D. Rehlander for Children, Youth and Elderly Affairs.

HB 1182-FN, establishing an office of rate-setting for children's services. Ought to Pass with Amendment.

The bill, as amended, creates a task force to study the feasibility of proposing legislation relating to an independent rate-setting body that would set rates for service providers in the areas of health and human services, children, youth and elderly, and education. In addition, the amendment provides for an appeals process for rates established under RSA 170-D:4 by the Division for Children and Youth Services. In addition, the amendment provides that child day care rates be reviewed annually by the Division of Human Services. Vote 14-0. Rep. Debora B. Pignatelli for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rate-setting for children's services, and establishing a committee to study rate-setting for health and human services, children, youth and elderly, and education.

Amend the bill by replacing all after the enacting clause with the following:

1 Appeals. Amend RSA 170-G by inserting after section 4 the following new section:

170-G:4-a Appeals.

I. Any service provider may appeal decisions made by the division relative to rates or certifications pursuant to RSA 170-G:4, XVII or XVIII by filing an appeal with the commissioner of health and human services.

II. The appeal shall be in writing, signed by a person duly authorized by the service provider to submit the appeal, and shall state the specific reasons for the appeal.

III. The appeal shall be filed within 14 working days of the date of written notification sent to the applicant, stating the decision of the director regarding rates or certification.

IV. The appeal shall be heard under RSA 541-A:16 through 21 by the commissioner or his designee and 2 members from the advisory board established by RSA 170-G:6. The chairman of the advisory board shall appoint its 2 members. No person hearing the appeal shall have had any involvement in establishing the rate or deciding on the certification that is the subject of the appeal, or be affiliated in any way with the appellant.

2 Rates Reviewed Annually. Amend RSA 170-G:4 by inserting after paragraph XVII the following new paragraph:

XVII-a. Review and adjust annually the rates established for the purchase of services, placements and programs pursuant to paragraph XVII of this section. This annual review shall consider the effects of the established rates on current costs, quality and availability of services.

3 Task Force Established. There is established a task force to study and propose legislation relative to the establishment of an independent rate-setting commission to govern the rates paid to service providers contracting with the state in the areas of health and human services, children, youth and elderly, and education.

4 Membership. The task force shall have the following members:

I. Six members from the house of representatives, appointed by the speaker, as follows:

(a) 2 from the children, youth and elderly affairs committee;

(b) 2 from the health and human services committee; and

(c) 2 from the education committee.

II. Three members from the senate, appointed by the president of the senate.

5 Report and Compensation. The committee shall make a report of its findings and recommendations no later than November 30, 1988, to the speaker of the house, the president of the senate, and the chairpersons of the 3 house committees listed in section 4 of this act. Members shall receive compensation for mileage at the legislative rate.

6 Consultation with Advisory Board. Amend RSA 170-G:4, XVII to read as follows:

XVII. *After consultation with the advisory board created by RSA 170-G:6*, establish rates for all services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the division pursuant to paragraph II of this section. When educational aspects are present in any service, placement or program subject to rate-setting by the division, rates for the educational component shall be addressed jointly by the division and the department of education.

7 Rate Review. Amend RSA 161:2 by inserting after paragraph XVI the following new paragraph:

XVII. Review and adjust annually the rates established for the purchase of child day care services on behalf of eligible persons. This annual review shall consider the effects of the established rates on current costs, quality and availability of services.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes an appeals procedure for rate-setting or certifications regarding service providers for children. It also provides for annual review of such rates set by the division for children and youth services and the division of human services.

The bill also establishes a task force to study and propose legislation relative to an independent rate-setting commission to govern the rates for various service providers.

HB 1194, relative to the emergency treatment of step-children.
Ought to Pass.

This bill enables a child's non-custodial stepparent to authorize emergency medical treatment for that child at a medical facility in the event that the child's custodial parent is incapacitated and unable to authorize treatment. In cases of joint custody between divorced parents, the non-custodial stepparent would authorize such

treatment for the child if the other custodial parent cannot be located immediately. Vote 13-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

HB 782, relative to adoption of a uniform limited offering exemption. Inexpedient to Legislate.

The New Hampshire Commissioners on Uniform State Laws reviewed this bill. The Committee was advised that the National Conference on Uniform State Laws **has not** approved the content of this bill. This provision has been promoted by the North American Securities Administrators Association, Inc., and there has been disagreement between that organization and the National Conference on Uniform Laws. The Uniform Laws' Commissioners are in the process of rewriting the Uniform Securities Act. This bill contains "vague" guidelines. The Committee prefers to wait for language from the National Conference on Uniform Laws. Vote 14-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 790-FN, relative to the public investments study committee. Ought to Pass with Amendment.

This bill extends the Public Investments Study Committee reporting date until December 1, 1988. The amendment adds one person appointed by the New Hampshire Bankers' Association. The Investment Study Committee shall include, but not be limited to, consideration of which type of collateral pool arrangement would best suit New Hampshire's banking system for the investment of public funds. Vote 13-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Membership. Amend 1987, 55:2 by inserting after paragraph VII the following new paragraph:

VIII. One person appointed by the New Hampshire Bankers' Association.

2 Duties Focused. Amend 1987, 55:3 by inserting after paragraph III the following new paragraph:

IV. Examine the possibility of establishing a state-wide collateral pool for the purpose of ensuring the safety of public investments held by financial institutions in this state in the event of default or other misfortune. This study shall include, but shall not be limited to, consideration of which type of collateral pool arrangement would best suit New Hampshire's banking system; recommendations as to the implementation and maintenance of such an arrangement; and proposals, if any, for legislation to establish a collateral pool program in New Hampshire.

3 Reporting Date. Amend 1987, 55:4 to read as follows:

55:4 Report. The committee shall submit a report, with any proposed legislation, to the governor, senate president, and the speaker of the house of representatives on or before [September 15, 1987] *December 1, 1988*.

4 Tenure of Committee. Amend 1987, 55:6 to read as follows:

55:6 Tenure of Committee. The committee shall cease to exist on December 31, [1987] *1988*.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill widens the focus of the public investments study committee to include the examination of a state-wide collateral pool.

The committee's reporting date is changed by this bill to December 1, 1988, and the tenure of the committee is extended to December 31, 1988.

The bill, as amended, also adds a member from the New Hampshire Bankers' Association to the committee.

HB 795, relative to motor vehicle liability policies. Ought to Pass with Amendment.

This legislation addresses a problem in New Hampshire Law due to a recent Supreme Court decision. By the terms of the decision, a vehicle owned by an out-of-state company, although registered in New Hampshire, would not be subject to New Hampshire Financial Responsibility Laws if the policy of the insurer was not delivered in New Hampshire. By this bill, an insured vehicle, if registered or principally garaged in New Hampshire, would be insured under New Hampshire Law. Vote 15-0. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 1989.

HB 1093-FN, relative to reporting requirements of corporations having securities registered in this state. Ought to Pass.

House Bill 1093 deletes a requirement to certify financial statements to the Secretary of State. Testimony showed that this caused unnecessary administrative problems, was an unproductive burden and in no way repealed registering securities. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 1178, relative to counting absentee ballots before the polls close. Ought to Pass.

This is a housekeeping measure to correct the language in the original bill so that the order of the early processing and counting of absentee ballots is listed correctly. Vote 9-0. Rep. Ellen C. Dube for Constitutional and Statutory Revision.

HB 856-FN, relative to herbicide applications on utility rights-of-way. Refer for Interim Study.

Committee study of this bill indicates that the substance of the proposed legislation could be better addressed through the rulemaking process rather than adding more prohibitions or unlawful acts to the statutes. However, due to the seeming cavalier attitude of several opponents to the bill toward safe use of herbicides, the Committee suggests further study of the notification provisions of the bill. Vote 13-0. Rep. Merle W. Schotanus for Environment and Agriculture.

HB 958, transferring operation of the Eastern States Building from the department of agriculture to the department of resources and economic development. Inexpedient to Legislate.

Most testimony at the hearing did not support transferring the operations of Eastern States to the Department of Resources and Economic Development. The Department of Agriculture is responsible for its operation and upkeep. The necessary repairs will be completed before the 1988 fair season opens. Vote 13-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 1033-FN, relative to licensing of solid waste transporters.
Inexpedient to Legislate.

The bill would have addressed the permitting of all solid waste transporters in the state by the Department of Transportation. The Committee has come to realize that there must be a coordinated approach to permitting all types of vehicles, possibly under one agency. The Committee urges the House Transportation Committee to address this aspect in its study and suggests that the Governor's Motor Carrier Advisory Committee do the same. Vote 14-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 1051-FN, relative to low-level radioactive waste sites.
Inexpedient to Legislate.

The Committee has tried to deal with this issue, but has had little support. There is a wide divergence of opinion as to what should be done. The Committee is not in a position to make a policy decision at this time. Vote 12-0. Elizabeth S. Millard for Environment and Agriculture.

HB 1082-FN, relative to irradiated food. Ought to Pass.

It seems prudent, considering the unknowns relating to irradiated foods, to pause and leave time for more information to accumulate before making a commitment to this path. No harm will be done by this action. Vote 11-2. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 814-FN, relative to penalties imposed by and the staff of the pharmacy board. Ought to Pass with Amendment.

The Board of Pharmacy is authorized to employ one person to serve as executive secretary in order to perform the administrative functions of the Board. The bill also authorizes the Board to impose fines as part of its disciplinary powers. Vote 14-0. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fines imposed by and the
staff of the pharmacy board.

Amend the bill by replacing all after the enacting clause with the following:

1 Support Services. Amend RSA 318:9 to read as follows:
318:9 *Administrative, Clerical, and Inspectional Services.*

I. The board shall employ one person to serve as a full-time employee of the board in the position of executive secretary. The executive secretary shall be responsible for the performance of the regular administrative functions of the board and other duties as the board may direct. The executive secretary may not perform any discretionary or decision-making functions for which the board is solely responsible.

II. The board may employ such clerical assistance and obtain such inspectional services as may in their judgment be deemed necessary, subject to the approval of the governor and council, and payment therefor shall be made from the pharmacy fund.

2 Disciplinary Action by Board. Amend RSA 318:29, IV(c) and (d) to read as follows:

(c) By revocation of license; [or]

(d) *By imposition of a fine on the licensee or the permit holder for misconduct; or*

(e) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient.

3 Rulemaking Authority; Fines. Amend RSA 318:5-a, VII to read as follows:

VII. The establishment of all fees *and fines* required under this chapter, including application fees for nonresidents;

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill authorizes the board of pharmacy to employ one person to serve as executive secretary to perform the administrative functions of the board.

As amended, the bill also authorizes the board of pharmacy, as part of its disciplinary powers, to impose fines on licensees for misconduct.

This bill was requested by the board of pharmacy.

BB 852-FN, relative to New Hampshire hospital personnel. Ought to Pass with Amendment.

This bill defines "just cause" and abolition of a position due to reorganization. This bill is consistent with personnel rules for classified employees and unclassified employees in other departments. The amendment to this bill divides termination reasons into "just cause" - caused by action of the employee and "abolition of a position" - where there was no employee's inappropriate action, such as the reorganization of the State Hospital. Vote 16-0. Rep. David B. Wright for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Good Cause. RSA 135-C:6, I(c)(1) is repealed and reenacted to read as follows:

(1) The director, at any time, may terminate the appointee from the position for either:

(A) Good cause, which shall include, but not be limited to malfeasance, misfeasance, or insubordination; or

(B) The abolition of a position because of a change in organization, lack of work, unappropriated or insufficient funds, or like reasons.

Termination shall be made only after written notice to the appointee stating the reasons for the decision.

2 Power of Director. Amend RSA 135-C:6, I(e) to read as follows:

(e) The director may establish one or more positions of unit director and senior physician, psychiatrist, or dentist and shall appoint qualified personnel to these positions. Each appointee shall serve subject to the provisions of RSA 135-C:6, I(c). *The director shall also have the authority to abolish these positions because of a change in organization, lack of work, unappropriated or insufficient funds, or like reasons.*

3 Effective Date. This act shall take effect 60 days after its passage.

BB 888, relative to the qualifications of the director of water supply and pollution control. Ought to Pass with Amendment.

House Bill 888 gives the Water Supply and Pollution Control Council a broader base in the hiring process. Vote 13-1. Rep. Catherine Schneiderat for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 891, relative to extended rulemaking authority of division directors of the department of environmental services. Inexpedient to Legislate.

The sponsor and the Committee feel this bill has some merit. However, due to the complexity of the research to be done and the lateness in which it was submitted, the Committee feels the agency should rework this proposed legislation and resubmit it for the 1989 session. Vote 16-0. Rep. Catherine Schneiderat for Executive Departments and Administration.

HB 1020-FN, relative to occupational therapists and occupational therapy assistants. Ought to Pass with Amendment.

This is a housekeeping measure that additionally provides a six-month temporary license feature to allow the use of properly-trained, but not yet licensed, personnel to offset the tremendous shortage of occupational therapists in New Hampshire. Vote 12-0. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend RSA 326-C:4, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Pass to the satisfaction of the board a standardized national examination approved by the board and the advisory committee.

Amend the introductory paragraph of RSA 326-C:4, III as inserted by section 1 of the bill by replacing it with the following:

III. The board may grant a license to an applicant who is licensed under the laws of another state or territory whose licensing requirements are substantially equivalent to, or greater than, those in this state. An applicant for licensure by endorsement shall submit a completed license application prescribed by the board, and pay the prescribed application fee. The completed application shall include:

Amend RSA 326-C:5, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Any applicant for an initial license as an occupational therapist or occupational therapy assistant who has successfully completed the academic requirements of an educational program in occupational therapy, has completed supervised field work, and has met all other requirements for licensure except passage of the standardized national examination, may obtain a temporary license from the board to practice occupational therapy for the period between the date of issuance of the temporary license and the date the board makes a decision on such application. An applicant shall be eligible for a temporary license if, in addition to fulfilling the academic and field work requirements in occupational therapy, the applicant has taken the required standardized examination. Practice under a temporary license shall be under the supervision of a licensed occupational therapist.

II. Persons currently certified by the American Occupational Therapy Certification Board or licensed in other states or both shall be issued a temporary New Hampshire license upon submission of the completed application and fee required by the board. Such license shall be in effect until the board makes a decision on such application, but no temporary license shall be effective for more than 180 days from the date of issuance. Practice under such temporary license shall be under the sponsorship of a licensed occupational therapist.

Amend RSA 326-C:6, I as inserted by section 1 of the bill by replacing it with the following:

I. License renewals shall be granted annually upon board approval of the renewal application and submission of the required fee. All licenses issued under this chapter, except temporary licenses, shall expire at 12:00 a.m. on December 31 of the year in which they were issued. The board may accept a late-filed renewal application upon payment of a late fee, but no renewal application shall be approved which is received more than 6 months following its expiration. Any renewal license granted on or before June 30 shall be effective retroactively to January 1 of the year in which it is issued.

Amend the heading of RSA 326-C:7 as inserted by section 1 of the bill by replacing it with the following:

326-C:7 Sanctions Against Licensees.

Amend RSA 326-C:9 as inserted by section 1 of the bill by replacing it with the following:

326-C:9 Fees. The board shall adopt rules, under RSA 541-A, relative to fees for initial and endorsement licenses, license renewal applications, and standardized examinations. All such fees shall be nonrefundable.

Amend RSA 326-C:13, III as inserted by section 1 of the bill by replacing it with the following:

III. Review and make recommendations on all applications for licensure, renewal, reinstatement, disciplinary matters and all issues pertinent to the practice of occupational therapy in New Hampshire, as determined by the board.

Amend the bill by deleting RSA 326-C:11 as inserted by section 1 of the bill and renumbering RSA 326-C:12, 13, 14, and 15 to read as 326-C:11, 326-C:12, 326-C:13, and 326-C:14, respectively.

AMENDED ANALYSIS

The bill, as amended, revises the chapter for the licensure and regulation of the practice of occupational therapy in New Hampshire. It authorizes the board of registration in medicine to license occupational therapists and occupational therapy assistants initially, and provides for temporary, renewal and endorsement licenses. It establishes academic and field experience requirements for licensure, and continuing education and competency requirements for license renewal.

The bill requires written authorization from a licensed physician prior to provision of occupational therapy treatment services by licensees under the chapter.

The bill defines the duties of the advisory committee to assist the board in reviewing applications for licenses, and in administering

disciplinary actions against licensees and persons attempting to practice without licenses.

The bill establishes penalties for the violation of provisions of the chapter or rules issued under it, and provides for an appeals process from adverse decisions of the board.

HB 1078-FN, relative to cosmetologists and pedicurists. Ought to Pass with Amendment.

This bill has been amended to enable the Board of Cosmetology and Barbering to authorize salons and schools to permit the performing of pedicures. Under RSA 313 rulemaking authority, the Board can use the enabling act to move forward without involving the Legislature in the details which are best handled by rules. Vote 13-1. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Pedicurist Defined. Amend RSA 313-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Pedicuring" means the cutting, trimming, polishing, tinting, coloring, or cleaning of human toe nails for cosmetic or decorative purposes, but shall not include medical diagnosis or therapeutic treatment other than general massage of the foot.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows cosmetologists to perform work as pedicurists. As amended, the bill adds a definition of "pedicuring".

HB 1094-FN, relative to licensing plumbers. Inexpedient to Legislate.

Although the bill has merit it is poorly written and has restraint of trade implications. The sponsor and Committee feel a bill of intent to study the building trades would be more appropriate. Vote 16-0. Rep. Ann M. Torr for Executive Departments and Administration.

HB 1099-FN, making New Hampshire retirement system maximum benefit limitations comply with the Tax Reform Act of 1986. Ought to Pass with Amendment.

As amended, this bill provides that benefits under the New Hampshire Retirement System are subject to maximum limits required by the Federal Tax Code to keep the "qualified retirement plan" status. This will not actually affect any present retirees, and is not likely to affect any in the near future. Vote 16-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Maximum Benefit Limitations. Amend RSA 100-A by inserting after section 13-a the following new section:

100-A:13-b Maximum Benefit Limitations. Notwithstanding any other provisions of this chapter, the maximum benefit payable to any retired member or beneficiary of the New Hampshire retirement system shall be limited to such extent as may be necessary to conform to the requirements of section 415 of the United States Internal Revenue Code and the Tax Reform Act of 1986 for a qualified retirement plan.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

As amended, this bill limits the maximum benefit payable to any retired member or beneficiary of the New Hampshire retirement system to such extent as may be necessary to conform to the Internal Revenue Code and the Tax Reform Act of 1986 for a qualified retirement plan.

This bill was requested by the New Hampshire retirement system.

HB 1150-FN, permitting the attorney general to hire part-time attorneys general. Ought to Pass.

Passage of HB 1150 would be in the best interest of the Attorney General's Office. There will be no fiscal impact upon the state/county/local revenues and expenses. Vote 13-0. Rep. Catherine Schneiderat for Executive Departments and Administration.

HB 1151, relative to licensing pharmacists. Ought to Pass with Amendment.

This bill cleans up some housekeeping measures and allows the Board to investigate all matters within the scope of RSA 318-B, the Controlled Drug Act. Vote 13-0. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 2 with the following:

2 Program Approved by Board. Amend RSA 318:18 to read as follows:

318:18 Pharmacists. An applicant for examination and licensure as a pharmacist shall not be less than 18 years of age and of good professional character and temperate habits; shall have graduated with the basic, professional pharmacy baccalaureate degree or pharmacy doctor degree from a school of pharmacy, college of pharmacy, or pharmacy department of a university accredited by the American Council on Pharmaceutical Education and approved by the New Hampshire pharmacy board; shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum of one year (*1,500 hours*) internship activity in a community or institutional pharmacy in the United States *or an equivalent program which has been approved by the board of pharmacy*; and shall pass [an] *the national examination* given by the pharmacy board to establish his or her fitness to practice the profession of pharmacy. The internship required in this section shall be service and experience in a community or institutional pharmacy under the supervision of a license pharmacist and shall be predominantly related to the selling of drugs and medical supplies; interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical products; keeping records and making reports required under federal and state statutes; and otherwise practicing pharmacy under the immediate supervision and direction of a licensed pharmacist [or a program which has been approved by the board of pharmacy]. The board may deny licensure as a pharmacist for grounds which include, but which shall not be limited to, prior conviction of a felony[;] *or of a misdemeanor* resulting from a violation of a federal, state or local drug or pharmacy-related law, rule, or regulation[; or an act involving moral turpitude or gross immorality].

Amend the bill by replacing section 5 with the following:

5 Hearings and Investigations. RSA 318:30 is repealed and reenacted to read as follows:

318:30 Hearings and Investigations.

I. The board may investigate all matters within the scope of RSA 318-B and hold hearings, issue subpoenas, examine witnesses under oath, take oaths or affirmations, and reduce to writing any testimony given at a hearing or investigation. Any person appearing at a board hearing or investigative inquiry may be represented by counsel.

II. All written complaints filed with the board shall be objectively received and investigated to the extent warranted by the allegations in the complaint. The board may commence a disciplinary proceeding based upon the complaint or upon its own motion.

III. The board shall take no disciplinary action, except as provided in RSA 318:29, III, without providing the alleged offender an opportunity for a hearing. An evidentiary hearing, however, shall be necessary only to resolve material questions of fact in dispute. Parties to a disciplinary proceeding shall be served at least 14 days before the hearing, either personally or by certified mail, with a written copy of any complaint relied upon by the board and notice of the time and place for hearing.

IV. Disciplinary hearings shall commence within 90 days from the mailing of the board's notice of hearing. The board may, however, extend this period if the nature of the proceedings requires more time. Written notice of all disciplinary decisions made by the board shall be given to all parties upon their issuance, and shall be accessible to the public. Licensees shall have opportunity to present witnesses and offer evidence on their behalf consistent with RSA 541-A:18.

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as 3, 4, 5, and 6, respectively.

AMENDED ANALYSIS

This amended bill clarifies the internship requirements for licensure and the requirements for reciprocal licensure.

The bill permits reinstatement after a failure to renew a license only after fees and continuing education requirements, established by the board, are met.

The bill allows the board to investigate all matters within the scope of RSA 318-B, the controlled drug act, and allows the board to hold hearings, issue subpoenas, examine witnesses and transcribe testimony.

This bill also suspends a pharmacist's license pending appeal on the record to the superior court in the event of a revocation or suspension of the license by the board.

HB 740, relative to voluntary mediation in divorce proceedings.
Ought to Pass with Amendment.

The bill, as amended, gives statutory recognition to marital mediation in the Domestic Relations Law. It also enacts certain statutory qualifications for marital mediators and sets up a board to certify them and oversee their training. These steps will help save court time and ensure quality divorce mediation in New Hampshire.
Vote 14-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing standards for marital mediators and relative to voluntary marital mediation in divorce proceedings.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Marital Mediators. Amend RSA by inserting after chapter 328-B the following new chapter:

CHAPTER 328-C
MARITAL MEDIATORS

328-C:1 Purpose. The purpose of this chapter is to protect and assist the public by providing standards for the practice of marital mediation, training and continuing education for certified marital mediators and certified marital mediation programs, and disciplinary procedures for violating ethical rules and requirements.

328-C:2 Definitions. In this chapter:

I. "Board" means the board of marital mediator certification established by RSA 328-C:4.

II. "Certified marital mediation program" means a program that has been certified under this chapter, and that administers and supervises a group of marital mediators who are qualified under this chapter to offer their services to the general public.

III. "Certified marital mediator" means a person certified under the provisions of this chapter to act as a marital mediator.

IV. "Marital mediation" means a process by which an impartial third person or persons, with the consent of the parties, assists and enables the parties to a divorce to work together to reach a mutually satisfactory settlement of the issues involved in such divorce.

V. "Marital mediator" means an impartial third person who, with the consent of the parties to a divorce, assists and enables the parties to work together to reach a mutually satisfactory settlement of the issues in a dispute.

328-C:3 Misrepresentation. No person shall use the title of certified marital mediator or certified marital mediation program, or use or advertise any title or description which conveys the impression that the person is a certified marital mediator or certified marital mediation program, unless the person has been certified under this chapter.

328-C:4 Board.

I. There shall be a board of marital mediator certification consisting of the following 9 members:

(a) One superior court judge, appointed by the chief justice of the supreme court.

(b) One full-time marital master, appointed by the chief justice of the superior court.

(c) One attorney licensed to practice law in this state, appointed by the governor with the consent of the council.

(d) Two members of the public, appointed by the governor with the consent of the council.

(e) One mental health professional, appointed by the governor with the consent of the council.

(f) Three marital mediators, nominated by the New Hampshire Mediators Association and appointed by the governor with the consent of the council.

II. Of the members initially appointed to the board: 3 members shall be appointed to 3 year terms; 3 members shall be appointed to 2 year terms; and 3 members shall be appointed to one year terms. After the initial terms expire, appointments and reappointments to the board

shall be for 2 year terms. Vacancies shall be filled by appointment for the unexpired term.

III. The board shall elect its own chairman every 2 years by a majority vote.

328-C:5 Qualifications. The board shall require applicants for certification to meet the following criteria:

I. Have completed a marital mediation training program approved by the board.

II. Have served an internship with a certified marital mediator or certified marital mediation program.

III. Submit a completed application to the board.

IV. Submit at least 3 recommendations from persons who have participated with the applicant in marital mediation work. These recommendations shall meet any additional requirements established by rules adopted by the board.

328-C:6 Certification Renewal. Each marital mediator or marital mediation program shall renew its certification with the board once every 3 years. To renew such certification, each marital mediator shall provide evidence of attendance of at least 8 hours annually in a continuing education program approved by the board. A certified marital mediation program seeking renewal shall provide evidence that each of the marital mediators associated with the program has met the annual continuing education requirements of this section.

328-C:7 Disciplinary Action. The board, by procedures established under rules adopted pursuant to RSA 541-A, shall hold a hearing in response to any complaint received against a person or program certified under this chapter. The person or program shall be given the opportunity to respond in writing to the complaint and be present at the hearing. If such person is found to have violated the provisions of this chapter, the board may:

I. Issue a written warning.

II. Temporarily suspend the certification of such person or program.

III. Permanently suspend the certification of such person or program. The board shall establish conditions for reinstatement of any temporarily suspended certification at the time of such suspension, and notify the person or program of those conditions within 10 business days of such suspension.

328-C:8 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Form and content of the application for certification.

II. Certification standards for marital mediator training programs required by RSA 328-C:5, I.

III. Duration and content of internship programs required by RSA 328-C:5, II.

IV. Ethical and procedural standards for certification.

V. The responsibilities of certified marital mediators and certified marital mediation programs to the parties they serve.

328-C:9 Privileged Communications.

I. Marital mediation proceedings shall be held in private, and all communications, oral or written, made in the proceedings shall be privileged and confidential and shall not be disclosed, except as provided in paragraph III of this section.

II. No admissions made by the parties during marital mediation sessions shall be admissible in further court proceedings.

III. No certified marital mediator shall be subpoenaed by any court of competent jurisdiction in this state to disclose any information received from any client unless:

(a) The privilege is waived by all parties to the marital mediation case.

(b) A party is alleged to have committed perjury regarding material information conveyed during marital mediation.

(c) The marital mediator has received information alleging child abuse or sexual abuse or neglect as defined by RSA 169-C.

(d) The marital mediator has received information about a crime that has been or is about to be committed.

328-C:10 Limitations. Nothing in this chapter shall be construed to prevent the court from retaining jurisdiction to make emergency orders as appropriate, nor to stop marital mediation if one party or the marital mediator has indicated to the court that no agreement can be reached through marital mediation.

2 New Section; Voluntary Marital Mediation. Amend RSA 458 by inserting after section 15 the following new section:

458:15-a Voluntary Marital Mediation. In any proceeding under this chapter, the court shall suspend proceedings if both parties state that voluntary marital mediation will be attempted in order to reach a mutually agreeable arrangement. In such instances the appointment of a guardian ad litem under RSA 458:17-a shall not be required until the parties have been unable to arrive at an agreement after marital mediation. All marital mediators shall be certified pursuant to RSA 328-C. The parties shall directly contract with the private marital mediator and shall be responsible for payment of the fee for such marital mediation. If private marital mediation is selected, the parties or counsel, if any, shall sign and file with the court a written notice that private marital mediation shall take place. The notice shall include the name of the marital mediator and the date set for the first marital mediation session. Marital mediation proceedings shall be held in accordance with RSA 328-C and communications during such proceedings shall be privileged in accordance with RSA 328-C:9.

3 Appointment of Board; Rules. Notwithstanding the effective date of section 1 of this act, the appointments of the board members required under RSA 328-C:4 shall be made no later than 60 days after the effective date of this section, and the board shall adopt rules under RSA 328-C:8 so that the rules will be in effect no later than January 1, 1989.

4 Effective Date.

I. Section 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1989.

AMENDED ANALYSIS

The bill, as amended, establishes a board of marital mediator certification authorized to certify the practice of marital mediation services in divorce cases by persons or programs in New Hampshire. The board is to consist of a superior court judge, a marital master, a licensed attorney, 2 public members, a mental health professional, and 3 marital mediators. The board is to set standards for the practice of marital mediation, certify individual marital mediators and marital mediation programs, and discipline violations of marital mediation standards. Marital mediators are required to be recertified every 3 years, and to attend continuing education programs annually.

The bill forbids courts from issuing subpoenas to require marital mediators to testify about information imparted during marital mediation, except in limited circumstances. This bill also creates a privilege of confidentiality for communications in marital mediation proceedings.

This bill requires the court to suspend proceedings under the domestic relations chapter when both parties state that voluntary marital mediation will be attempted in order to reach an agreement. The parties shall be responsible for payment of the marital mediator. All marital mediators must be certified and marital mediation proceedings shall be conducted in accordance with standards required by law and by rules adopted by the board of marital mediator certification.

HB 825-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test by a certified breathalyzer operator, or if the results of such tests by certified breathalyzer operators show that a DWI offense has been committed. Inexpedient to Legislate.

This bill seeks to alter radically the present law regarding revocation of driver's license after refusal to take alcohol test. No testimony was offered that would demonstrate that the system is not working well now. Furthermore, the bill has unconstitutional aspects that would punish defendants who are acquitted of the charge. Vote 13-0. Rep. Alf E. Jacobson for Judiciary.

HB 869-FN, establishing standards for mediators. Inexpedient to Legislate.

The subject matter of this bill is covered in the Committee's amendment to HB 740. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

HB 1067-FN, relative to the penalty for an aggravated DWI offense. Ought to Pass with Amendment.

This bill, as amended, would give the court the discretion to require the defendant to participate in community service projects which have been approved by the Department of Justice. This sentence is in addition to penalties already under current law. Vote 9-2. Rep. C. William Johnson for Judiciary.

Amendment

Amend the bill by replacing section 1 with the following:

1 Aggravated DWI Offense; Alternative Community Service. Amend RSA 265:82-b, II to read as follows:

II. Any person who is convicted of a violation of RSA 265:82-a shall be guilty of a misdemeanor and fined not less than \$350 and not more than \$1,000; and, if a resident of this state, his driver's license or driving privilege or, if he is a nonresident, his privilege as an out of state driver to drive on any ways of this state shall be revoked for a period of not less than one year; and, in either situation, at the discretion of the court, such revocation of a license or resident or nonresident driving privilege may be extended for a period not to exceed 2 years. *In addition, any person who is convicted under RSA 265:82-a may be ordered by the court to work on a community service project. Community service projects shall have been approved by the department of justice. The attorney general shall establish guidelines for the approval of community service projects in rules adopted under RSA 541-A.*

AMENDED ANALYSIS

This bill provides that anyone convicted of aggravated driving while intoxicated may be ordered by the court to work on a community service project. These community service projects must meet the approval of the department of justice. This mandatory penalty shall be in addition to penalties for aggravated driving while intoxicated under current law.

HB 1153-FN, relative to protecting personal privacy. Refer for Interim Study.

The Committee would like to make a more in-depth study of the abuse of Social Security numbers and of privacy issues generally than time currently allows. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

HB 1053-FN, establishing the position of chief boiler inspector. Ought to Pass.

At this time, there is only one state boiler inspector who is trying to do the job of chief inspector along with his own job. In order to do the job properly a chief inspector is needed. This does not call for an appropriation as all income from certificates, etc. go into a non-lapsing boiler fund from which expenses of the Boiler Division are paid. Vote 12-1. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 1199-FN, relative to unemployment compensation. Ought to Pass. This bill conforms state law to the federal law which allows an individual to receive training allowances while receiving Unemployment Compensation benefits. The bill was requested by the Department of Employment Security. Vote 13-0. Rep. Patti Blanchette for Labor, Industrial and Rehabilitative Services.

HB 1136-FN, relative to the wage benefit and medical benefits under the workers' compensation law. Inexpedient to Legislate. This bill would have drastically altered the Workers' Compensation Law by limiting the number of doctors available to an injured worker and permitting the employer to name the list of doctors the employee could see. It was opposed by the New Hampshire Medical Society, a number of labor organizations, and the Alliance of American Insurers' lobbyist testified that he did not support the total bill. The bill also would have reduced by 33-1/3% the maximum amount of weekly benefits an injured worker could collect. This would penalize employees making over \$8.75 an hour. The majority felt the whole bill was a bad idea and should be killed. Vote 13-0. Rep. Robert R. Cushing for Labor, Industrial and Rehabilitative Services.

HB 889-FN, requiring all new statutes to be written in gender-neutral form. Ought to Pass with Amendment.

The inclusion of gender-neutral language in our statutes is endorsed by the Legislative Administration Committee. This legislation will ensure that when new laws are enacted after July 1, 1988, they will no longer refer to one gender only. The amendment restores a proposed change to the current law to ensure that a law will not be rendered ineffective if enacted and through an oversight is not gender-neutral. Vote 9-3. Rep. James D. Phelps for Legislative Administration.

Amendment

Amend RSA 21:3 as inserted by section 1 of the bill by replacing it with the following:

21:3 Number; Gender. Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may extend and be applied to females. *For statutes enacted after July 1, 1988, no reference to only one gender shall be used in statutory language when that reference is intended to apply to persons of both genders. When a statute is intended to apply only to persons of one gender, words may be used to indicate that intent.*

HB 750, relative to notification of land surveys to abutting landowners. Inexpedient to Legislate.

House Bill 750 requiring landowners to notify abutters of planned surveys is not only restrictive, but would be impossible to enforce. Vote 13-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 865-FN, enabling towns and village districts to hold special meetings for zoning ordinance amendments. Ought to Pass with Amendment.

This legislation enables towns and village districts to hold deliberative sessions at meetings, other than the annual meeting, and then take a ballot vote to amend a zoning ordinance, historic district ordinance or building code only. Vote 15-0. Rep. Ruth E. Gage for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Method of Enactment in Certain Town and Village Districts. Amend RSA 675:3, VII, to read as follows:

VII. *Submission of the question to the voters shall be as follows:*

(a) If the town or village district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed ordinance, building code, or amendment shall be presented to the voters of the town or village district by having the town or village district clerk prepare an official ballot separate from the official ballot used to elect town or village district officers which shall include the following question, or by including the following question on the official ballot as prepared by the town or village district clerk:

"Are you in favor of the adoption of the zoning ordinance, historic district ordinance, or building code (or amendment to the existing town (village district) zoning ordinance, historic district ordinance, or building code) as proposed by the planning board?"

In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner:

"Are you in favor of the adoption of Amendment No. as proposed by the planning board for the town (village district) zoning ordinance (historic district ordinance or building code) as follows: (Here insert topical description of substance of amendment).?"

(b) *At the option of the planning board, with the consent or of the board of selectmen or village district commissioners in the case of an amendment submitted by them, the action may be* [if such action is to be] taken at a meeting other than the one at which officers are to be elected[.]. The clerk shall prepare a special ballot containing the question or questions above stated, *which may be acted upon either by using the procedures prescribed for voting by official ballot, in which case* [and] the meeting shall open not later than noon and shall remain open at least 8 hours, *or by holding a deliberative session to discuss the questions on which a vote is to be taken, followed by a ballot vote, in which case ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion of all questions. In no event shall any vote be taken on any issue other than those for which the meeting or deliberative session is called.*

(c) If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk may prepare a special ballot likewise separate from the ballot used to elect town or village district officers for the use of voters in voting on the question.

(d) If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, enables towns and village districts to hold deliberative sessions or meetings, other than annual meetings, in order to amend a zoning ordinance, historic district ordinance or building code. Votes taken during such a deliberative session or meeting are restricted to the issues for which the meeting or session was called.

HB 870-FN, relative to surety bonds for county treasurers and other county officers. Ought to Pass with Amendment.

This bill clarifies the surety bond requirements for county officers and further indicates the correct RSA reference in regard to the Commissioner of Revenue Administration and the Board of Approval. Vote 16-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to surety bonds for county treasurers and other county officers, and relative to the administration of RSA 78-B by the commissioner of revenue administration.

Amend the bill by replacing section 2 with the following:

2 Bond for Register of Deeds. Amend RSA 78-B:8, I to read as follows:

I. This chapter shall be administered by the commissioner of revenue administration. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter. [The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form and amount of bond each register of deeds shall give.] *The commissioner shall recommend the amount of bond for each register of deeds to the board of approval, which shall obtain each bond under the authority provided in RSA 93-B:2.* The cost of such bond shall be paid by the state as an expense of administering this chapter. Each register of deeds, or county if the register of deeds is on a salary basis, shall be paid for his services 4 percent of the face value of the stamps or other approved indicia of payment of the tax sold in his registry. Such payment for services shall be made prior to remitting all taxes collected, and shall be deducted from the remittance made in paragraph II. A sum sufficient to pay each register of deeds for his services pursuant to this section is hereby continually appropriated. The governor is authorized to draw his warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the same surety bond requirements for county officers that currently exist for town officers. This bill provides that blanket surety bonds for county officers may exclude the county treasurer if a separate fidelity bond for the faithful performance of his duties is furnished by the surety writing the blanket bond. The bill also requires the commissioner of revenue administration to adopt rules for the form and amount of surety bonds of county officers.

As amended, the bill also changes the administrative duties of the commissioner of revenue administration under RSA 78-B:8 relative to bonds for registers of deeds, to require the commissioner to recommend the amount of bond for each register of deeds to the board of approval, which shall obtain each bond under the authority provided in RSA 93-B:2.

HB 894, relative to the authority of the city of Concord to provide limited water service to the town of Bow. Ought to Pass with Amendment. As amended, the bill allows a municipal water corporation to serve up to 25 customers outside its municipal boundaries as long as it charges no higher rates to those customers and provides a quality of water equal to that provided to its customers within the municipality. Vote 16-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to consideration of water
companies as public utilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Water Companies; Public Utilities. Amend RSA 362:4 to read as follows:

362:4 Water Companies, When Public Utilities. Every such corporation, company, association, joint stock association, partnership, or person shall be deemed to be a public utility by reason of the ownership or operation of any water system or part thereof. If the whole of such water system shall supply a less number of consumers than 10, each family, tenement, store or other establishment being considered a single consumer, the commission may exempt any such water company from any and all provisions of this title whenever the commission may find such exemption consistent with the public good. A municipal corporation furnishing water outside its municipal boundaries shall not be considered a public utility under this title for the purpose of accounting, reporting, or auditing functions with respect to said service. A *municipal corporation serving 25 or fewer customers outside its municipal boundaries, which charges such customers a rate no higher than that charged to its customers within the municipality, and which serves those customers a quantity and quality of water equal to that served customers within the municipality shall not be considered a public utility.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, allows a municipal water corporation to serve up to 25 customers outside its municipal boundaries, as long as it charges no higher rates to those customers, and provides a quantity and quality of water to those customers equal to that provided its customers within the municipality.

HB 912, relative to rules in manufactured housing parks. Ought to Pass with Amendment.

House Bill 912 helps to clear up some of the problems that take place between mobile home park owners and the park tenants. The bill allows for sale signs on the lots of a lot renter. It also provides for the filing of park rules with the Attorney General's Office and requires a warranty for each prebuilt home brought into the state. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.

Amend the bill by replacing all after the enacting clause with the following:

1 For Sale Signs. Amend RSA 205-A:2, II(a) to read as follows:

(a) make any rule or enter into a contract, which shall abrogate or limit the tenant's right to place "for sale" signs on or in his manufactured housing; provided, however, the park owner or operator may by rule or contract provision impose reasonable limitations as to size, quality, registration of such signs, requirements that the posting of such signs be pursuant to bona fide efforts to sell, and removal when the home is no longer being offered for sale. No such limitation as to size or quality shall restrict the use of a painted or printed sign which is 216 square inches or less in size and which contains no more than the words "for sale", *along with the name, address and telephone number of the seller, or the name, address, and telephone number of the seller's agent or representative*;

2 New Subparagraph; Prohibition Added. Amend RSA 205-A:2, VIII by inserting after subparagraph (c) the following new subparagraph:

(d) requires a tenant to sell or otherwise dispose of any personal property, fixture, or pet which the tenant had prior permission from the park owner or former park owner to possess or use; provided, however that such a rule may be made and enforced if it is necessary to protect the health and safety of other tenants in the park.

3 Failure to Comply. Amend RSA 205-A:4, V to read as follows:

V. Failure of the tenant to comply with reasonable written rules and regulations of the manufactured housing park as established by the park owner or operator in the rental agreement at the inception of the tenancy or as amended subsequently with the written consent of the tenant, or without his consent upon 3 months written notice; provided that the tenant is first given written notice of his failure to comply and a reasonable opportunity thereafter to comply with said rules and regulations. *A tenant shall not be evicted for noncompliance with a rule or regulation if the consumer protection and antitrust bureau of the department of justice has issued a written determination that such rule is unreasonable. If such rule, or regulation, subsequently, is determined to be reasonable by a court, a tenant not in compliance shall be given a reasonable opportunity to comply.* Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

4 Filing of Park Rules. Amend RSA 205-A by inserting after section 24 the following new section:

205-A:25 Filing of Park Rules.

I. No park rule or change in park rules distributed to park tenants on or after the effective date of this section shall be effective unless it has been filed with the consumer protection and antitrust bureau of the department of justice.

II. All park rules distributed to park tenants prior to the effective date of this section and which are still in effect shall be submitted to the consumer protection and antitrust bureau of the department of justice no later than December 1, 1988.

5 New Chapter; Manufacturer's Warranty. Amend RSA by inserting after chapter 205-A the following new chapter:

205-B:1 Definitions. In this chapter:

I. "New" shall include any unit not previously sold or occupied as a dwelling unit.

II. "Prefabricated" shall mean construction materials or assembled units fabricated prior to erection or installation in a building or structure, but shall not include manufactured housing as defined in RSA 674:31.

III. "Presite built housing" means "presite built housing" as defined by RSA 674:31-a.

205-B:2 Manufacturer's Warranty. No person shall sell at retail a new prefabricated or presite built home in this state without a written manufacturer's warranty to the buyer which shall include the following terms:

I. That such home is free from any substantial defects in materials or workmanship in the structure, plumbing, heating, and electrical systems and in all appliances and other equipment installed or included in such home by the manufacturer.

II. That the seller or manufacturer shall take appropriate corrective action at the site of such home in instances of substantial defects in materials or workmanship which become evident within one year from the date of delivery of such home to the buyer, provided the buyer gives written notice of the defects to the seller, manufacturer, or dealer at his business address as soon as such defects become evident.

205-B:3 Waiver Prohibited. The warranty provided in RSA 205-B:2 shall be in addition to and not in derogation of any other right or privilege which the buyer may have as otherwise provided by law. The seller or manufacturer shall not require the buyer to waive his rights under this chapter and any waiver shall be deemed contrary to public policy and shall be void and unenforceable.

205-B:4 Attorney's Fees. Any action instituted by a buyer for failure of a manufacturer to comply with the provisions of this chapter shall allow for the recovery of court costs and reasonable attorney's fees.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, allows the seller's or his agent's representative's name, address, and phone number to be placed on "for sale" signs in housing parks.

It prohibits a housing park owner from requiring a tenant to dispose of certain property or pets where such tenant had received prior permission from the park owner unless such disposal is for the health and safety of other park members.

The bill also requires park rules to be filed with the consumer protection and antitrust bureau of the department of justice before such rules can be effective. A tenant may not be evicted for noncompliance with a park rule if the bureau has issued a written determination that the rule is unreasonable.

As amended, the bill, establishes that no person may sell a new prefabricated or presite built home without a manufacturer's warranty stipulating that such home is free from substantial defects. The seller or manufacturer must correct substantial defects in materials or workmanship when reported by the buyer within one year of date of delivery.

HB 918, relative to recording notices of federal environmental liens in the registry of deeds. Inexpedient to Legislate.

The sponsor asked that this bill be Inexpedient to Legislate. The comment was that this material is covered under SB 337. Vote 14-0. Rep. John S. Barnes, Jr., for Municipal and County Government.

HB 935, relative to recording plats. Ought to Pass with Amendment. As amended, this bill provides that no plat shall be filed or recorded in the Registry of Deeds unless it is prepared and certified by a licensed land surveyor. Vote 13-0. Rep. Barbara J. Baldizar for Municipal and County Government.

Amendment

Amend the bill by replacing sections 1, 2, and 3 with the following:

1 Recording Plats; Licensed Land Surveyor. Amend RSA 674:37 to read as follows:

674:37 Recording of Plats. After the certificate or notice referred to in RSA 674:35, II and the regulations referred to in RSA 674:36 have been filed with the appropriate recording officials, no plat shall be filed or recorded *unless it is prepared and certified by a licensed land surveyor, and* until it has been approved by the planning board and such approval has been endorsed in writing on the plat in such manner as the planning board may designate, except as provided in RSA 676:18, II and III. The filing or recording of a plat of a subdivision without the requisite approval of the planning board, *or which has not been prepared and certified by a licensed land surveyor*, shall be void.

2 Register of Deeds; Recording Plats. Amend RSA 676:18, II to read as follows:

II. Notwithstanding the provisions of paragraph I, the register of deeds shall accept for recording [any] a plat [bearing] *prepared and certified by a licensed land surveyor if such plat bears a* certificate by a [registered] *licensed* land surveyor that the property lines shown are the lines dividing existing ownerships and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new lines for division of existing ownership or for new ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provisions of this chapter.

3 Register of Deeds; Duties. Amend RSA 478 by inserting after section 1 the following new section:

478:1-a Recording of Plats. No register of deeds shall file or record a plat of a subdivision, or a plat prepared for the purpose of showing existing property lines, if such plat has not been prepared and certified by a licensed land surveyor, and any such filing or recording shall be void. For the purposes of this section the definition of the word "subdivision" shall be that contained in RSA 672:14.

AMENDED ANALYSIS

As amended, this bill provides that no plat shall be filed or recorded in the registry of deeds unless it is prepared and certified by a licensed land surveyor.

Under this bill, as amended, no register of deeds shall file or record a plat of a subdivision, or a plat prepared for the purpose of showing existing property lines, if such plat has not been prepared and certified by a licensed land surveyor.

HB 1002-FN, relative to filing changes in condominium developments. Inexpedient to Legislate.

The sponsor of HB 1002 requested that the Committee kill this bill. The issues addressed have been taken care of in HB 403. Vote 15-0. Rep. Kurt A. Normandin for Municipal and County Government.

HB 1070, relative to planning board review of site plans. Inexpedient to Legislate.

The intent of this bill is now covered by present statutes. Vote 15-1. Rep. David M. Perry for Municipal and County Government.

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation. Ought to Pass.

Testimony indicated the voting procedure at the village district was proper and legal. Furthermore, the district is in a very sound financial position as a result of an increase in the tax base to adequately accommodate the added financial commitment. Vote 14-0. Rep. George M. West for Municipal and County Government.

HB 1177-FN, enabling cities and towns to increase the veterans' exemption. Ought to Pass with Amendment.

This bill, as amended, provides that if a person receives a veteran's or elderly property tax exemption and files a permanent application for the exemption, he shall not lose the exemption, shall not have the exemption rescinded and shall not be required to file a subsequent application because he is subject to the penalty under RSA 74:7-a for failure to file an inventory form on time. Also, this bill provides for naming the bridge on New Hampshire Route 104 between the towns of Bristol and New Hampton, the Korean and Vietnam Era Veterans Bridge. Vote 15-0. Rep. John S. Barnes, Jr., for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to qualifying for the veterans' and elderly property tax exemptions and filing an inventory form and relative to naming a bridge for Korean and Vietnam era veterans.

Amend the bill by replacing all after the enacting clause with the following:

1 Property Tax Exemptions. Amend RSA 74:7-a to read as follows:
74:7-a Penalty for Failure to File

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which he is liable. In no case, however, shall the penalty be less than \$10 or more than \$50. Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose his right to appeal any matter pertaining to the property tax for which he is liable [or] *and his right to appeal any exemptions to which he may be entitled[.] but has not yet received.* This penalty has all the force of taxation and shall be treated as incident to the tax.

II. *A person who is qualified for the exemption under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 43-b, 43-f or 43-h, and who has filed a proper permanent application for the exemption with the proper selectmen or assessors as provided in RSA 72:33 and 72:42 which has been approved by the selectmen or assessors, shall not lose the exemption, shall not have the exemption rescinded, and shall not be required to file a subsequent application because he is liable for a penalty under paragraph I due to his failure to file a fully completed inventory form on time.*

2 Korean and Vietnam Era Veterans Bridge. Pursuant to RSA 4:43, the bridge on New Hampshire Route 104 between the towns of Bristol and New Hampton is hereby named the Korean and Vietnam Era Veterans Bridge.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill provides that if a person receives a veteran's or elderly property tax exemption and files a permanent application for the exemption, he shall not lose the exemption, shall not have the exemption rescinded, and shall not be required to file a subsequent application because he is subject to the penalty under RSA 74:7-a for failure to file an inventory form on time.

As amended, the bill also names the bridge on New Hampshire Route 104 between the towns of Bristol and New Hampton the Korean and Vietnam Era Veterans Bridge.

HB 808-FN, to change the liquor vendor license fees charged by the liquor commission. Refer for Interim Study.

The Liquor Commission is instituting a new licensing process this year, so that licenses will be issued the birth month or month of incorporation of the licensee; to change the license fees at the same time would impair that change. The Liquor Commission has requested that the Committee wait until next year to consolidate and review the number of licenses issued and their costs. The Committee will work on that bill during the interim period. Vote 16-0. Rep. Betsy McKinney for Regulated Revenues.

HB 1176-FN, establishing minimum mandatory fines for persons who violate certain liquor laws concerning minors. Inexpedient to Legislate. Strengthening the penalties for selling alcoholic beverages to minors and for misrepresenting one's age to purchase those beverages is a valid concern that should be addressed by the Legislature. This legislation did not do a satisfactory job to meet those ends and several Regulated Revenues Committee members agreed to work on the problems and sponsor legislation in the next Session. Vote 15-1. Rep. Betsy McKinney for Regulated Revenues.

HB 1028-FN, relative to the water resources statutes. Ought to Pass with Amendment.

This bill, as amended, resolves an issue highlighted by the Attorney General's Office following passage of the Department of Environmental Services enabling legislation in 1986. It redefines the responsibilities of the former Water Resources Board as the Water Resources Authority. It provides: (1) improved accountability of the authority to the Commissioner of Environmental Services; (2) two public hearings for proposed projects; (3) project reports which include environmental assessments; and (4) rulemaking according to RSA 541-A and rulemaking relative to property management plans. The amendment addresses the concerns of various environmental organizations expressed at the public hearing. Vote 13-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition. RSA 481:2, I is repealed and reenacted to read as follows:

I. "Authority" means the water resources authority established under RSA 481:4.

2 Definition. Amend RSA 481:2, III to read as follows:

III. "Cost of project" [shall mean] *means* the cost of construction[;], *including all of the following*: the cost of all lands, property, rights, easements, and franchises acquired which are deemed necessary for construction; the cost of all machinery and

equipment; financing charges; interest prior to and during construction; cost of engineering and legal expense, plans, specifications, surveys, estimates of costs, and other expenses necessary or incident to determining the feasibility or practicability of any project; the proportionate administrative expense properly allocable to a project as determined by the [division] *authority*; and other expenses as may be necessary or incident to the financing authorized in this chapter, the construction of the project, and the placing of the project in operation.

3 Water Resources Authority; Membership. Amend RSA 481:4 to read as follows:

481:4 Corporation Established. There shall be a public corporation called the New Hampshire water resources [council] *authority*. The management of the corporation shall be vested in [a council of 5 members to be appointed by the governor, with the consent of the council, provided that one member shall be the director of the division of water resources, who shall serve as chairman] *the authority, consisting of 6 members. Five of the members shall be the members of the water resources council appointed pursuant to RSA 21-O:5. The sixth member shall be the director of the division of water resources. The chairman of the authority shall be designated by the governor, with the consent of the executive council.* Each member shall hold office for 4 years and until his successor is appointed and qualified, and any vacancy shall be filled for the unexpired term. [The governor and council may at any time remove a member for inefficiency, neglect of duty, or malfeasance in office, but no member shall be removed without a hearing, after notice in writing of the charges against him.] *Members of the authority shall only be removed pursuant to RSA 4:1 and RSA 91:3.*

4 Water Resources Authority; Powers. RSA 481:6 is repealed and reenacted to read as follows:

481:6 Powers. The authority shall have the general powers possessed by New Hampshire corporations and the power to make contracts with the United States, any state in the United States, a foreign country or any public corporation or body in another state or country. The authority may, subject to review and approval of the commissioner of environmental services, engage in projects, financed as set forth in this chapter. The authority is authorized to:

I. Investigate and identify the facilities for storing surplus water and for conserving, controlling and distributing surplus water, and to investigate and identify facilities for the production and utilization of hydro-energy.

II. Acquire, hold and dispose of personal property for the authority's purposes.

III. Acquire in the name of the state by purchase, condemnation, lease or otherwise, real property and rights and easements relating to the real property deemed by it necessary or desirable for its corporate purposes. The authority shall adopt rules for the proper management of its real property. Such rules shall ensure a process that will include public input and the concerns of other state agencies in the development of management plans for each separate parcel of property under the authority's jurisdiction.

IV. Sell, lease and dispose of real property and rights and easements relating to the real property not needed in the judgment of the authority for the purposes of this chapter, subject to the provisions of RSA 4:40.

V. Construct, reconstruct, maintain and operate projects.

VI. Charge and collect fees, rents and tolls for water, the use of water, water supply, water storage, hydro-energy production facilities, sites for hydro-energy production facilities, and other related services, subject to and in accordance with agreements with bondholders, water users, developers and operators as provided in this chapter.

VII. Except as otherwise provided in any agreement with bondholders, pay into the state treasury the surplus revenues from projects over the amount necessary to pay the costs of maintenance, upkeep, repair, and project operation and to discharge its obligations as they become due.

VIII. To exercise any of its powers:

(a) In any adjoining state or adjoining country, unless the exercise of the power is not permitted under the laws of such state, country or the United States of America; or

(b) In any public domain of the United States adjoining or located in this state, unless the exercise of the power is not permitted under the laws of the United States of America.

IX. Borrow money, make and issue negotiable notes, bonds and other evidence of indebtedness or obligations of the corporation, and to secure the payment of these obligations or any part of an obligation by pledge of all or any part of its revenue.

X. Apply for and hold all necessary permits and licenses, and to meet all requirements of the Federal Energy Regulatory Commission in developing hydro-energy production facilities, subject to the authority of the division of economic development in the department of resources and economic development to promote hydro-energy projects.

XI. Provide technical assistance to the division of economic development of the department of resources and economic development when the division requests such assistance in the promotion of a hydro-energy project.

XII. Accept grants from the United States or any federal agency.

XIII. Cooperate with or accept aid from the United States or any federal agency in the construction, maintenance, operation and financing of any project.

XIV. Do all things necessary in order to receive federal aid or engage in cooperation with the federal government.

XV. Cooperate with any adjoining state or agencies of a state in the planning, construction, maintenance, operation or financing of any project located partly within this state.

XVI. Use and control all public waters of the state and all waters to which the state is entitled by reason of water rights owned by the state as is necessary to carry out this chapter.

XVII. Do all things necessary or incidental to the foregoing powers, including the adoption of administrative rules pursuant to RSA 541-A.

5 Project Reports; Submission to Commissioner of Environmental Services. RSA 481:7 is repealed and reenacted to read as follows:

481:7 Project Reports; Hearing and Order.

I. The water resources authority, before commencing any project, shall:

(a) Prepare a statement of the public use and benefit anticipated from the proposed project, including alternatives considered, and a detailed engineering report covering the location, size of storage system, land to be acquired, costs and revenues.

(b) Provide for an environmental assessment of the proposed project, addressing, but not limited to, the following: water quality, wildlife habitat, farm lands, forest resources, open space, historic and archaeological resources, and recreation. The assessment shall examine the project for consistency with RSA 481:1 and 481:1-a, as well as local master plans and land use regulations.

(c) Present the statement, report, and assessment at a minimum of 2 public hearings and receive comments on them. One of the hearings shall be in the county where the project is located and the other shall be in Concord.

(d) Prepare a response to the comments received and make revisions to the statement, report, and assessment as deemed appropriate.

(e) Submit the final statement, report, assessment and response to the commissioner of environmental services for approval.

II. The commissioner of environmental services shall:

(a) Review the proposed project submitted in compliance with subparagraph I(e). He shall also consider all testimony presented at the public hearings as well as other submitted correspondence related to the project.

(b) Review the project's consistency with the policies set forth in RSA 481:1 and 481:1-a and with the authority's statutory powers to undertake such a project.

(c) Notify the authority of a negative finding and the nature of the deficiencies.

(d) Notify the authority of a positive finding and approve the submittal of the project to the governor and executive council by the authority.

III. The governor and executive council, upon receiving the statement, report, assessment, response and findings, shall review them and may, by written order, direct the water resources authority to proceed with the project. Before making their decision, the governor and executive council may hold a public hearing on the project, upon such notice as they deem appropriate.

6 Stored Water; Proceedings. Amend RSA 481:9 to read as follows:

481:9 Stored Water; Judicial Determination of Compensation. If a user of water substantially benefited by a project shall decline to enter into a contract as provided in RSA 481:8 or if the [division] *authority* and such user cannot agree upon the compensation to be paid by him, either party may, before or after the completion of such project, apply by petition in equity to the superior court for the county in which the benefited property is situated to determine such compensation. If the proceeding is brought by the [division] *authority* and such user files a disclaimer of any right to use stored water as defined in RSA 481:12, *and establishes that he has not used any water within the contract period sought to be enforced*, the petition shall be dismissed; otherwise, the court, after hearing, shall determine the compensation for benefits justly payable by such user and enter a decree entitling him to make use of stored water subject to payment thereof and fixing the time and manner of such payment. The compensation fixed by the decree shall not exceed the benefit resulting or to result to the user, shall be proportioned to the compensation payable by other users under existing contracts relative to the same project, and may be made payable in amortized or other installments in the same manner as the compensation provided for in such contracts, and the court, on proper application and notice, may subsequently modify or revise the decree as justice may require. Any decree entered pursuant to this section and any subsequent modification or revision thereof shall inure to the benefit of and bind the user and his successors in title.

7 Tax Exemption; Dams. Amend RSA 481:14 to read as follows:

481:14 Tax Exemption. All property and rights acquired by the [division] *authority* shall be exempt from all taxation, but the [division] *authority* shall make payments, on or before December 1 in each year, to each town or city in which property or rights acquired by the [division] *authority* are located. Such sums shall be based on the tax rate then current in each town or city and on the average assessed valuation for a period of 5 years prior to the acquisition by the [division] *authority*; provided that when a town or city [wherein] *in which* [division] *authority* land is located shall have made a general reevaluation of property for tax assessment purposes, then the new values shall be used for the determination of the sums as would have been assessed against said property and rights in such town or city if the same had been included in the tax invoice for such year. Betterments, changes in land use or new structures are exempted and shall not be used for the determination of such sums to be paid in lieu of taxes. Provided, however, that the provisions of this section shall not

apply to the dam and any appurtenances [thereto] *to the dam* owned by said [division] *authority* and located in the towns of Pittsburg and Clarksville, and there shall be paid annually to said towns the sum of \$12,500 in lieu of taxes, said sum to be apportioned between said towns in the same ratio that the value of that portion of said dam and any appurtenances [thereto] *to the dam* located in each town bears to the total value of said dam and any appurtenances [thereto] *to the dam* as determined by the tax assessors of said towns. *As used in this section, the words "appurtenances to the dam" shall be deemed to include only land actually occupied by physical structures of the authority and of the dam and to exclude all lands, whether submerged or out of water.*

8 Reference Change from "Division of Water Resources" to "Water Resources Authority". Amend the following RSA sections, paragraphs and subparagraphs by replacing "division of water resources," "division" (when referring to the division of water resources), "director" (when referring to the director of the division of water resources), or "director of water resources" with "water resources authority," "authority," "chairman," or "chairman of the authority," as the context requires: RSA 481:2, V; 481:6-a; 481:6-b; 481:6-c; 481:8; 481:9-a; 481:10; 481:11; 481:13; 481:15; 481:16; 481:17; 481:19; 481-A; 481-B; 481-C; 481-D; 482-B; 482-C; 482-G; 482-H; and 482-I.

9 Water Resources Council; Composition. RSA 21-0:5, I and II are repealed and reenacted to read as follows:

I. There is established a water resources council, which shall consist of 5 members. The members shall be appointed by the governor with the approval of the executive council and shall serve for terms of 4 years. The governor shall designate the chairman with the approval of the executive council.

II. Council members shall receive no compensation except for mileage and other expenses incurred while performing council business. Mileage shall be paid at the rate set for state employees.

10 Repeal. The following are repealed.

I. RSA 481:3, relative to authority of the director, division of water resources.

II. RSA 481:14-a, relative to defining terms related to dams.

11 Incumbent Members Retained. The incumbent members of the water resources council, exclusive of the chairman, shall be allowed to complete their existing terms and shall be eligible for reappointment at the conclusion of their terms.

12 Effective Date. This act shall take effect 60 days after its passage.

HB 1089-FN, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices. Ought to Pass with Amendment.

House Bill 1089, as amended, adds the shore line of "any other standing body of water 10 acres or more in area" to the present 150 foot protected strip of shore lines along great ponds and navigable rivers in which more than 50% of the basal area of timber may not be cut without prior written consent from the Director of Forests and Lands or his agent. The amendment also restores RSA 539:3 (the penalty for damages to fences) which was inadvertently repealed by the original bill. Furthermore, HB 1089, as amended, increases the maximum penalty for such damages from \$15 to a violation. Vote 13-1. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend section 4 of the bill by replacing it with the following:

4 Care of Lumber Slash. Amend the introductory paragraph and paragraphs I and II of RSA 224:44-a to read as follows:

224:44-a Cutting of Timber Near Certain Waters and Public Highways of the State. Except for the purpose of immediate conversion of land for other than timber growing and forest uses, no more than 50 percent of the basal area of trees shall be cut, or otherwise felled, leaving a well distributed stand of healthy, growing trees, within 150 feet of any great pond, navigable river, or *any other standing body of water 10 acres or more in area*, or public highway or within 50 feet of any other stream, river or brook[,] which normally flows throughout the year, unless the person who pushes over, cuts, saws, or operates or causes to be pushed, cut, sawed, or operated said trees, obtains the prior written consent of the director of the division of forests and lands or his agents. Basal area [shall mean] *means* the cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

I. If any person shall violate provisions of this section, he shall be guilty of a misdemeanor.

II. Each 200 linear feet or fraction thereof of frontage on the affected great pond, navigable river, *any standing body of water 10 acres or more in area* or public highway, or any other stream, river or brook which normally flows throughout the year from which trees are cut in excess of limits prescribed in this section shall constitute a separate offense.

Amend RSA 224:44-b, IV as inserted by section 5 of the bill by replacing it with the following:

IV. In any stream, river, or brook which normally flows throughout the year *or in any other standing body of water 10 acres or more in area*; or

Amend section 8. of the bill by replacing it with the following:

8 Fences; Penalty for Damages. Amend RSA 539:3 to read as follows: 539:3 Fences. Whoever shall wilfully and unlawfully throw down or leave open any fence, gate or bar belonging to or enclosing land [holden] *held* in common, or belonging to another person, or shall aid therein, shall forfeit to the person injured treble damages, and [not more than fifteen dollars] *shall be guilty of a violation*.

AMENDED ANALYSIS

The bill clarifies and changes penalties for disturbing or injuring the trees and wood products standing or existing on another person's property, and for disturbing or destroying fences, bars, or gates on another person's property.

The bill, as amended, also extends the prohibitions regarding timber cutting and the care of slash and mill waste products near bodies of water to include artificial bodies of standing water of 10 acres or more not previously protected.

The bill authorizes the commissioner of the department of resources and economic development to control certain deceptive forestry business practices. It makes it a misdemeanor to engage in certain deceptive forestry business practices.

HBI 2018, relating to procedures for disposal of used motor fuel and fuel oil tanks. Ought to Pass with Amendment.

This bill of intent enables the Resources, Recreation and Development Committee to study the disposal of used motor oil, fuel oil tanks and asbestos. When the study is completed, necessary legislation will be recommended and proposed. Vote 15-0. Rep. Leonard A. Smith for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

RELATING TO

procedures for disposal of used motor fuel,
fuel oil tanks, and asbestos.

Amend the statement of intent by replacing it with the following:

STATEMENT OF INTENT

Individual towns and cities within the state use differing procedures for disposal of used motor fuel, fuel oil tanks, and asbestos. Other towns and cities have no procedures for disposal of such waste products.

The committee to which this bill is referred should study the following matters and propose any legislation it deems necessary:

I. Which of the various methods of disposal of used motor oil, fuel oil tanks, and asbestos would best protect the surface and groundwaters of the state.

II. Whether such programs should be mandatory, or towns and cities should be encouraged to adopt such programs with technical assistance from the division of waste management, department of environmental services.

III. What methods other state and local government units, and private concerns, use to dispose of used motor oil, fuel oil tanks, and asbestos.

HB 743, relative to security deposits on rental property. Ought to Pass with Amendment.

The Committee amended the original bill and deleted the age requirement because this age limitation seemed arbitrary and difficult to justify. The amendment also tied the request for interest due to the anniversary date of the tenancy thus giving the landlord a reasonable method for fiscal planning. Vote 10-0. Rep. Karen McRae for State Institutions and Housing.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Interest on Security Deposit. Amend RSA 540-A:6, IV by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding RSA 540-A:7, I, 30 days before the expiration of each year's tenancy, a tenant may request the interest accrued on a security deposit. The landlord shall comply with the request within 15 days of the expiration of that year's tenancy.

AMENDED ANALYSIS

This bill, as amended, allows tenants to request the interest due on a security deposit on an annual basis and requires the landlord to comply with such request.

HB 1135-FN, relative to property owners' associations. Inexpedient to Legislate.

This bill, in effect, attempts to address a particular problem of the Edelweiss development in the towns of Madison and Conway. The developer abandoned the project in the 1970s. This has caused bitter

feelings and struggles among the participants of the villages and project residents concerning receiving town help for maintaining roads and waterlines. Taxes in the project have been levied by both Eideweiss and the town on project residents causing a bitter struggle between the two jurisdictions. It appears that there has been progress in solving the problem on the property located in Madison through court proceedings and that additional effort along those lines appear more appropriate than this legislation. It appears to be directed at one particular community. Additional legislation on this matter is presently under deliberation in the Municipal and County Government Committee. Vote 10-0. Rep. Ralph Parker for State Institutions and Housing.

HB 986, relative to driver's license revocation or denial for involvement with drugs and alcohol. Refer for Interim Study.

The Committee spent a great deal of time considering this bill and many felt that the penalty threat would keep teenagers from using drugs and alcohol. Some members questioned the soundness of starting at age 13 to attempt to control conduct. Final discussion brought out conflicts between the proposed legislation and current juvenile laws. The Committee needs more time to bring all statutes into accord. Vote 10-1. Rep. Irvin H. Gordon for Transportation.

HB 1077-FN, relative to the registration of aircraft. Inexpedient to Legislate.

The present statute permits a waiver of registration for unflyable aircraft owned by a resident of this state. This bill would allow a waiver of registration of any aircraft owned by a resident of this state which would not be operated at any time during the registration year. The Committee felt this waiver would make it difficult or next to impossible for the Department to control the registration of aircraft. Vote 11-1. Rep. Roger Stewart for Transportation.

HB 1118-FN, relative to the maintenance of boat launching ramps and related parking areas. Refer for Interim Study.

This bill requires the Department of Transportation to maintain and restore, when necessary, boat launching ramps and related parking areas for which the Department is responsible. The Commissioner of Transportation must provide for removal of trash and for adequate sanitary facilities at such ramps and parking areas. After lengthy testimony, the Committee questioned who would do the maintenance and from where would the funding come. As there are a number of state-owned boat launching ramps, a study is definitely needed. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee. Ought to Pass with Amendment. After listening to a multitude of testimony, the Committee felt it was in the best interest of the state to regulate speeds on White Pond and Duncan Lake to not more than 6 mph and to outlaw ski craft from Dublin Lake. Vote 13-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin.

Amend section 1 of the bill by replacing it with the following:

1 White Pond and Duncan Lake; Dublin Lake. Amend RSA 486 by inserting after section 32 the following new sections:

486:33 White Pond and Duncan Lake. No person shall operate any power boat at a speed in excess of 6 miles per hour on White Pond or Duncan Lake in the town of Ossipee. Any person who violates this section shall be guilty of a violation.

486:34 Dublin Lake.

I. No person shall operate any ski craft on Dublin Lake in the town of Dublin.

II. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device.

III. Any person who violates this section shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the operation of any power boat at a speed in excess of 6 miles per hour on White Pond and Duncan Lake in the town of Ossipee.

This bill, as amended, prohibits the operation of ski craft on Dublin Lake in the town of Dublin.

HB1 2017, requiring licensure of persons performing construction or repair work on state roads and highways. Inexpedient to Legislate. No testimony was given at the hearing that this is a problem. Standard contracts for road work include provisions for performance bonds, withholding of payments, one-year warranty of workmanship, and claim provisions including arbitration, have been used for a long time with good experience and have regularly been tested in court. These model contracts are widely published and used. The sponsors' statement in support for this bill discussed their citizens' dissatisfaction with road problems. No direct tie to this problem was given to a solution that adds new bureaucracy, limits competition and adds to construction cost. Vote 14-0. Rep. David B. Wright for Executive Departments and Administration.

Rep. Lefebvre moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

(Deputy Speaker Burns in the Chair)

Rep. Wright spoke against the motion.

Motion lost.

Resolution adopted.

HB 734, relative to posting of bond by administrators of estates. Ought to Pass with Amendment.

This bill facilitates the administration of small estates by allowing a waiver of the bond requirement by the probate judge under \$50.

Vote 13-0. Rep. Marc A. Chretien for Judiciary.

Amendment

Amend RSA 553:13, III as inserted by section 1 of the bill by replacing it with the following:

III. In the discretion of the judge of probate, the requirements for the giving of bond and sureties may be waived when the administrator of the deceased person's estate is the sole heir of the deceased person, provided that the estate has a gross value of less than [\$25,000] \$50,000, exclusive of property specified in RSA 554:5.

AMENDED ANALYSIS

This bill, as amended, allows the probate judge to waive the requirement for posting of bond by the administrator of a deceased person's estate when the administrator is the sole heir of the deceased person, provided that the estate has a gross value of less than \$50,000.

Amendment adopted.

Rep. Alf Jacobson yielded to questions.

Ordered to third reading.

(Speaker in the Chair)

BB 950, requiring statutory authorization for DWI roadblocks.
Inexpedient to Legislate.

The Supreme Court has laid out the guidelines which are acceptable under New Hampshire Constitution for uniformity in placing roadblocks in operation. There is no need for legislation for roadblocks. Vote 12-2. Rep. C. William Johnson for Judiciary.

Rep. Welch spoke to the report.

Rep. Hollingworth spoke in favor of the report.

Resolution adopted.

BB 1017-FN, relative to testing private water supplies for contaminants. Ought to Pass with Amendment.

This bill, as amended, requires the seller of a newly-constructed home on a private well system to test the water for natural and man-made contaminants including radon. Test results must be posted in the home and filed with the local building authority. The bill gives the local building authority the option of withholding the occupancy permit or final approval until the water test has been conducted. Vote 14-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Water Tests Required. Amend RSA by inserting after RSA 148-B the following new chapter:

CHAPTER 148-C WATER TESTS FOR PRIVATE WELLS

148-C:1 Purpose. The purpose of this chapter is to provide the buyers of newly constructed homes, which do not have public water supplies, with adequate information relative to the quality of the proposed water supply. The buyer shall be responsible for accepting the quality of the water supply.

148-C:2 Water Tests Required; Data.

I. Sellers of newly constructed homes shall test the proposed water supply source for such home for the quality of the drinking water. Such tests shall be performed by laboratories certified by the department of environmental services, under RSA 148-B:4.

II. The test shall indicate the following:

- (a) Each individual characteristic tested.
- (b) The state and Environmental Protection Agency water quality standards for each characteristic.
- (c) The actual concentration of the characteristic measured in the sample.
- (d) The test method used.

148-C:3 Filing and Posting of Test Results. Two copies of the results of the water test required under RSA 148-C:2 shall be filed in the office of the local authority responsible for enforcing the building code or other appropriate office designated by the local authority in each town, city, or unincorporated place. The local authority responsible for enforcing the building code or other appropriate local authority may withhold a certificate of occupancy or other approval for any new home if it finds that the seller has not complied with the provisions of this chapter. The seller shall post the results in a clearly visible manner in the new home for which the well was constructed.

148-C:4 Rulemaking. The commissioner of the department of environmental services shall adopt rules, pursuant to RSA 541-A, relative to:

I. Water quality characteristics to be tested which shall include, but not be limited to, a radon test, and health and aesthetic drinking water contaminants of both natural and manmade origin which are important to and commonly occur in New Hampshire.

II. Content and design of all forms required under this chapter.

III. Limiting the number of water samples which may be submitted to the state laboratory established under RSA 131.

IV. The method of filing the test results under RSA 148-C:3.

2 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill requires sellers of newly constructed homes to test the proposed water supply for drinking water quality. Under this bill, the buyer is responsible for accepting the quality of the drinking water.

Under this bill, the test results shall be filed in the office of the local authority responsible for enforcing the building code or in another appropriate office designated by the local authority in each town, city, or unincorporated place. The local authority responsible for enforcing the building code or other appropriate local authority may withhold a certificate of occupancy or other approval for a new home if it finds that the seller has not complied with this bill. The test results shall also be posted in a conspicuous manner in the new home for which the well was constructed.

The bill grants the commissioner of the department of environmental services rulemaking authority to carry out the purposes of this act.

Amendment adopted.

Rep. Dickinson moved that HB 1017 be Referred for Interim Study, and spoke to his motion.

Motion adopted.

Referred for Interim Study.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 18 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HCR 11, concerning the budget of the United States.

HB 783, relative to grandparents' visitation rights.

HB 853-FN, exempting the WIC program from state indirect cost rate requirements.

HB 965-FN, establishing a study committee to examine the issue of parenting skills training.

HB 1182-FN, relative to rate-setting for children's services, and establishing a committee to study rate-setting for health and human services, children, youth and elderly, and education.

HB 1194, relative to the emergency treatment of step-children.

HB 790-FN, relative to the public investments study committee.

HB 795, relative to motor vehicle liability policies.

HB 1093-FN, relative to reporting requirements of corporations having securities registered in this state.

HB 1178, relative to counting absentee ballots before the polls close.

HB 1082-FN, relative to irradiated food.

HB 814-FN, relative to fines imposed by and the staff of the pharmacy board.

HB 852-FN, relative to New Hampshire hospital personnel.

HB 888, relative to the qualifications of the director of water supply and pollution control.

HB 1020-FN, relative to occupational therapists and occupational therapy assistants.

HB 1078-FN, relative to cosmetologists and pedicurists.

HB 1099-FN, making New Hampshire retirement system maximum benefit limitations comply with the Tax Reform Act of 1986.

HB 1150-FN, permitting the attorney general to hire part-time attorneys general.

HB 1151, relative to licensing pharmacists.

HB 734, relative to posting of bond by administrators of estates.

HB 740, establishing standards for marital mediators and relative to voluntary marital mediation in divorce proceedings.

HB 1067-FN, relative to the penalty for an aggravated DWI offense.

HB 1053-FN, establishing the position of chief boiler inspector.

HB 1199-FN, relative to unemployment compensation.

HB 889-FN, requiring all new statutes to be written in gender-neutral form.

HB 865-FN, enabling towns and village districts to hold special meetings for zoning ordinance amendments.

HB 870-FN, relative to surety bonds for county treasurers and other county officers, and relative to the administration of RSA 78-B by the commissioner of revenue administration.

HB 894, relative to consideration of water companies as public utilities.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.

HB 935, relative to recording plats.

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation.

HB 1177-FN, relative to qualifying for the veterans' and elderly property tax exemptions and filing an inventory form and relative to naming a bridge for Korean and Vietnam era veterans.

HB 1028-FN, relative to the water resources statutes.

HB 1089-FN, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices.

HB 2018, relating to procedures for disposal of used motor fuel, fuel oil tanks, and asbestos.

HB 743, relative to security deposits on rental property.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin.

HB 784, relative to disclosure of securities takeovers.

HB 812, relative to mutual savings banks.

HB 1022-FN, relative to investment of public funds.

HB 1188-FN, establishing age limits for the operation of OHRVs.

HB 942, relative to treatment by physical therapy.

HB 991-FN, relative to dental benefits for persons receiving medical assistance.

HB 834, relative to prima facie evidence.

HB 1098-FN, establishing a committee to study surrogate motherhood.

HB 842, establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places.

HB 1016-FN, relative to municipal borrowing due to certain bankruptcies.

HB 1133-FN, relative to home rule and municipal charters.

HB 1137-FN, relative to the reports required by and the setting of tax rates for municipalities, counties, and school districts.

HB 1190, relative to the Belknap county attorney.

HB 832, establishing a 10-year bridge construction and reconstruction plan.

RECONSIDERATIONS

Rep. William Riley moved that the House reconsider its action whereby it adopted HCR 11, concerning the budget of the United States.
Motion lost.

Having voted with the prevailing side, Rep. Sara Townsend moved that the House reconsider its action whereby it killed SB 170, relative to licensure of mental health professionals, and spoke to her motion.

Rep. Hawkins spoke in favor of the motion.

Rep. Sara Townsend spoke a second time against the motion.

Motion lost.

ENROLLED BILLS REPORT

HB 240, relative to sewage disposal systems on waterfront properties and expanded use of sewage disposal systems.

HB 714, relative to assessment of open space land and the adoption of rules by the commissioner of revenue administration for the purposes of RSA 79-A.

SB 237, relative to the controlled drug act.

Rep. Raymond C. Buckley
For the Committee.

Rep. Joseph Eaton moved that the House adjourn to Thursday, February 18 at 10:00 a.m.

Adopted.

The House adjourned at 5:37 p.m.

HOUSE JOURNAL 13

Thursday, 18Feb88

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God, You have given us many different gifts, yet in the same spirit. Teach us to use these gifts well. Some of us are powerful pacesetters whose opinions and approval are always sought. Others are quiet followers who ponder carefully and decide without fanfare. And many are in between.

'We ask the wisdom to use our power wisely. O God of Justice, keep us alert so that on this crossover day, in particular, enable us to think clearly, speak briefly and vote conscientiously. Amen.

Rep. Domini led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lussier, Geraldine Watson, Malcolm Harrington, McManus, Ann Derosier, Hardy, Howard Townsend, Laurion, Dupont, Burton Knight, Manus, Blanchard, Hynes, Eunice Campbell and Lawrence Chase, the day, illness.

Reps. West, McIntire, Doucette, Coulombé, Gagnon, Lionel Boucher, Pantelakos, Wagner, Baker, Schofield, Stewart, Cote, Patricia Foss, Ralph Torr, Mulligan and William Desrosiers, the day, important business.

Reps. Douglas Hall and C. William Johnson, the day, death in the family.

Reps. Gosselin, Wood and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Rachel and Eric Cruson, Manson Donaghey and Patricia Fair, guests of Rep. Douglas Hall; Mr. and Mrs. Alexander Loika, Jr., guests of Reps. Anita and Edward Flynn; Susan Adams and Tammy Chapin, daughter and guest of Rep. Carl Adams; Arlayne Warner, guest of Rep. Pierce; Phyllis Ellyson, guest of Rep. Ellyson.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 499, relative to return of recovered property. (Amendment printed SJ 2/11)

Rep. Alf Jacobson moved that the House concur.
Adopted.

HB 705-FN, relative to itinerant vendors. (Amendment printed SJ 2/11)

Rep. Fraser moved that the House concur.
Adopted.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 355, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL
First, second reading and referral

SB 355-FN, appropriating additional sweepstakes revenues for foundation aid. (Appropriations)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1049-FN, relative to the travel allowance for members of the general court, was removed at the request of Rep. Palumbo.

HB 1087-FN, establishing a study committee to examine ethics in government involving public officials and public employees, was removed at the request of Rep. Wayne King.

HB 952, relative to boating restrictions on Robinson Pond in the town of Hudson, was removed at the request of Rep. Dickinson.

HB 1103-FN, relative to the disposal of real estate by state government, was removed at the request of Rep. Bardsley.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor. (A) Ought to Pass.

This bill is now exactly as passed by the policy Committee and the House. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

HB 313-A, relative to the widening, realignment, and improvement of the Route 3-A and Pinecrest Road intersection in Litchfield. (A) Ought to Pass with Amendment.

This appropriation from the Highway Fund addresses the long standing problem of a narrow section of highway around a curve over a hill, crumbling culvert with an added risk of increased traffic from a new school entering this area on Highway 3-A in Litchfield. Vote 17-0. Rep. Robert G. Holbrook for Appropriations.

Amendment

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. This appropriation shall be nonlapsing and is in addition to any other appropriation made to the department for the biennium. This appropriation may be reduced by the amount of any federal funds made available for this project.

HB 395, requiring the division of safety services, department of safety, to issue a copy of the state's safe boating publication. (A) Ought to Pass.

As sent to Appropriations, the bill requires that the state safe boating publication be issued at no cost to everyone who registers a

boat in New Hampshire. The Committee requested this bill to see if funds could be found to pay for this important service. Full funding for both years of the biennium is now contained in the amendment to HB 625. Vote 15-0. Rep. Caroline L. Gross for Appropriations.

HB 594-FN, establishing a victims' compensation and assistance program and victims' compensation and assistance fund. (A) Ought to Pass with Amendment.

The bill, as amended, appropriates \$239,500 from the general fund to continue victim assistance programs in four counties for which federal funds are running out, and to provide incentive grants on a match basis for the remaining counties. After we have some experience with these pilot programs, the Legislature may want to broaden its scope, but the Committee feels this is a good beginning for a much needed program. Vote 15-0. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to county victim assistance programs
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. The intent of this act is to aid counties in establishing and implementing victim assistance programs through county prosecutors' offices. These programs shall endeavor to improve the treatment of crime victims by providing them with the assistance and services necessary to speed their recovery from criminal acts. These programs shall support and aid crime victims as they move through the criminal justice system.

2 Appropriation; Office of Victim/Witness Assistance; Matching Fund Grants to Counties.

I. The sum of \$239,500 is appropriated to the office of victim/witness assistance, department of justice, for the fiscal year ending June 30, 1989. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Of the \$239,500 appropriated in paragraph I, \$149,500 may be used to provide grants on a 50/50 matching basis with county funds to the counties of Hillsborough, Merrimack, Rockingham, and Strafford for use by their victim assistance programs. The following are the maximum amounts each of these counties may be granted:

Hillsborough	\$64,900
Merrimack	15,000
Rockingham	24,600
Strafford	45,000

The remaining \$90,000 may be distributed in grants not to exceed \$15,000 per county on a 50/50 matching basis with county funds, to the remaining 6 counties for the purpose of establishing victim assistance programs. Any funds remaining from the total appropriation of \$239,500 which have not been used to provide grants shall lapse on June 30, 1989.

III. The grants provided for in paragraph II shall be distributed in accordance with rules adopted by the department of justice pursuant to RSA 541-A. Rules adopted shall be in accordance with the federal guidelines for victim assistance programs issued by the United

States Department of Justice, except that the state department of justice may adopt rules in addition to the federal guidelines.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill appropriates \$239,500 for the fiscal year ending June 30, 1989, to the office of victim/witness assistance, department of justice. These funds may be distributed, in accordance with rules adopted by the department of justice, in the form of matching fund grants to counties for use in developing and implementing victim assistance programs.

HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. (A) Ought to Pass with Amendment. This bill permits group I members to apply for accidental disability retirement for repeated trauma or gradual degeneration occurring while in the actual performance of duty as determined by the Commissioner of Labor pursuant to RSA 281:37. The New Hampshire Retirement System Board will decide if the condition is total and permanent. Vote 15-0. Rep. John B. Hammond for Appropriations.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Repeated Trauma Resulting in Disability. Amend RSA 100-A:6, I(c) to read as follows:

(c) Upon the application of a group I member in service or of his employer, any such member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, *or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment or of any occupational disease arising out of or in the course of employment as defined by RSA 281:2, V and found to be compensable by the commissioner of labor pursuant to RSA 281:37, provided that such injury shall be* without wilful negligence on his part, may be retired by the board of trustees on an accidental disability retirement allowance; provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent.

2 Repeated Trauma Resulting in Disability. Amend RSA 100-A:6, II(c) to read as follows:

(c) Upon the application of a group II member in service or of his employer, any such member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, *or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment or of any occupational disease arising out of or in the course of employment as defined by RSA 281:2, V and found to be compensable by the commissioner of labor pursuant to RSA 281:37, provided that such injury shall be* without wilful negligence on his part, may be retired by the board of trustees on an accidental disability retirement allowance; provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent.

AMENDED ANALYSIS

As amended, this bill adds an additional provision to accidental disability retirement allowances for group I and group II members of the

New Hampshire retirement system. The bill provides that such allowances are available to group I and group II members who become totally and permanently incapacitated for duty as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment or of any occupational disease arising out of or in the course of employment as defined by RSA 281:2, V and found to be compensable by the commissioner of labor. Current law only deals with total and permanent incapacitation resulting from an accident occurring at some definite time and place.

BB 754-A, making an appropriation to acquire abandoned railroad rights of way. Ought to Pass.

It is crucial to have funds available to purchase railroad rights of way before development interrupts the continuity of land use as transportation needs of the future. Vote 16-1. Rep. Robert G. Holbrook for Appropriations.

BB 799-FN-A, relative to certain state publications and making appropriations for their more efficient production. Ought to Pass with Amendment.

This bill appropriates \$60,000 to the Bureau of Graphic Services and \$42,500 to the Law Library, Department of Libraries, Arts and Historical Resources for equipment to upgrade and automate legislative publications and to pay for Law Library access to the bill status system. It enables the State Library to dispose of surplus publications after 24 months. Amended to be effective upon passage. Vote 16-0. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

BB 811-FN-A, establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders and making an appropriation therefor. (A) Ought to Pass.

This is an appropriate expenditure of \$4,000 for an important study that is adequately described in the title of the bill. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

BB 826-FN-A, authorizing the hiring of a consultant to review the effectiveness of foundation aid, and making an appropriation therefor, and relative to the teacher shortage study committee. (A) Ought to Pass.

The Committee supports the recommendation of the Foundation Aid Study Committee in its recommendation that this bill ought to pass. There is clearly support for an independent evaluation of the 1985 Foundation Aid Law. This study will take place over the next few years. The bill appropriates \$50,000 to hire an independent consultant to complete the study. Vote 17-1. Rep. Ellen-Ann Robinson for Appropriations.

BB 830-FN-A, making a supplemental appropriation for costs of nursing home care. Inexpedient to Legislate.

This bill was a funding bill and the funding has been put in the supplemental budget. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

BB 843-FN-A, appropriating funds for the Northeast Rural Water Association for equipment, technical assistance and training to rural water systems. Ought to Pass.

This is a one-time appropriation to the Northeast Rural Water Association (a nonprofit organization) which provides valuable assistance to rural water systems in the region. It follows action taken by other Northeastern States. Vote 15-0. Rep. Robert A. Johnson for Appropriations.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides. (A) Ought to Pass.

This bill changes the title of "Safety inspectors" to "highway enforcement officers" in the Department of Safety in order that their titles more accurately describe the duties they perform. It affects forty-six inspectors who remain members of the group II retirement system. Vote 16-0. Rep. John B. Hammond for Appropriations.

HB 878-FN, establishing a committee to study the health care benefits of retired policemen and firemen. Ought to Pass with Amendment. This bill establishes a committee to study the health care benefits of retired policemen and firemen. There are no general funds required as the cost of actuarial services shall be funded from the group II portion of the special account created by RSA 100-A:16,II(h)--The New Hampshire Retirement System. Vote 18-0. Rep. John B. Hammond for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the
benefits of policemen and firemen.

Amend the bill by replacing sections 1 and 2 with the following:

1 Study Committee Established.

I. A study committee is hereby established to examine health care benefits for retired policemen and firemen and the eligibility of policemen and firemen for hazardous duty pay and group II benefits. The committee shall consist of 10 members, as follows:

(a) Three members of the house of representatives appointed by the speaker of the house.

(b) Three members of the senate appointed by the senate president.

(c) A public member appointed by the governor.

(d) A representative from the board of trustees of the New Hampshire retirement system.

(e) A representative from the New Hampshire Police Chiefs Association.

(f) A representative from the New Hampshire Fire Chiefs Association.

II. The committee shall select one of its members to act as chairman.

2 Duties.

I. The committee shall study health care benefits currently allowed and determine the sufficiency of such benefits for retired policemen and firemen. The committee shall also consider whether and in what manner additional benefits ought to be provided to such persons by the state or any of its political subdivisions. If the committee recommends additional health care benefits it shall provide an actuarial determination of the projected short-term and long-term costs of such benefits.

II. The committee shall also study the eligibility of policemen and firemen for hazardous duty pay and group II benefits.

AMENDED ANALYSIS

This bill, as amended, establishes a study committee to examine and determine the sufficiency of health care benefits afforded retired policemen and firemen and to study the eligibility of policemen and firemen for hazardous duty pay and group II benefits.

The bill requires the committee to submit its report together with recommendations for proposed legislation to the speaker of the house, the president of the senate and the governor no later than October 1, 1988.

The bill, as amended, requires an actuarial determination of projected costs if the committee recommends additional health care benefits. The cost of such actuarial study shall be funded from the group II portion of the special account created by RSA 100-A:16, II(h).

HB 899-FN-A, relative to costs of municipal master plans and making an appropriation therefor. Ought to Pass with Amendment.

This bill will provide for much needed computer equipment for use by the Office of State Planning and the Regional Planning Commission. The amendment reduces the appropriation from \$500,000 to \$270,000 and requires the Office of State Planning to allocate the funds equally to each of the nine regional planning commissions. Vote 15-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the title to the bill by replacing it with the following:

AN ACT

allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Computer Assistance to Regional Planning Commissions. Amend RSA 4-C:8 by inserting after paragraph II the following new paragraph:

III. Provide computer interface capability among and between each regional planning commission, the office of state planning, and state data collection and storage sources. The computer interface capability shall be used by regional planning commissions to respond to municipal requests for assistance in the preparation and amending of master plans and in the evaluation of municipal infrastructure needs. The computer interface capability shall also be used by regional planning commissions to develop and update regional master plans, as provided in RSA 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and able to interface with the office of state planning's GRANIT system, as well as with other similar state computerized data collection and storage sources.

2 Appropriation. In order to provide funds for the provisions of section 1 of this act, the sum of \$270,000 is hereby appropriated to the office of state planning for the fiscal year ending June 30, 1989. The office of state planning shall use this appropriation to allocate \$30,000 to each of the 9 regional planning commissions. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

As amended, this bill authorizes the office of state planning to provide computer interface capability among and between each regional planning commission, the office, and state data collection and storage sources. As amended, funding for the program is based upon a one-time appropriation from the general fund of \$270,000 to the office of state planning for the fiscal year ending June 30, 1989, which shall use the appropriation to allocate \$30,000 to each of the 9 regional planning commissions.

HB 916-FN-A, making a supplemental appropriation for child welfare. Inexpedient to Legislate.

The Committee supports the philosophy of this bill, however, the priority of the Committee at this time is HB 1088 which funds child care provider recruitment and training. Vote 18-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 919-FN, relative to the matching requirements for vocational rehabilitation programs. Ought to Pass.

The Committee supports the passage of this bill to correct the RSA and to bring it in line with changes in federal laws. Vote 18-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 953-FN-A, relative to a fire protection system for the vault in the state archives and making an appropriation therefor. Ought to Pass. This bill appropriates \$11,000 to purchase and install a halogen gas fire protection system for the archives vault. There is no question about the need for this kind of system since the conventional water sprinkler system may do as much or more damage than the fire or smoke. Vote 15-0. Rep. John B. Hammond for Appropriations.

HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a much needed study to improve the lodge facilities at Mount Sunapee to replace the antiquated one and update the food facilities. Money from ski revenues will cover cost to general fund. Vote 18-0. Rep. Lee Anne S. Steiner for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 990-FN-A, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor. (A) Ought to Pass.

This bill provides for a study as to location and design of a new facility for the Concord District Court. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

HB 996-A, relative to the state's purchase of the Hillsborough county courthouse and making an appropriation therefor, and relative to asbestos removal in the courthouse. (A) Ought to Pass.

This bill enables the Supreme Court to purchase the Hillsborough County Courthouse in Manchester and remove the asbestos therein. Vote 16-0. Rep. Lee Anne S. Steiner for Appropriations.

HB 1019-FN-A, increasing financial aid for the North Swansey sewer interceptors and making an appropriation therefor. Inexpedient to Legislate.

The contents of this bill covered by other legislation. Vote 17-0. Rep. Paul I. LaMott for Appropriations.

HB 1048-FN, relative to health care benefits for retired employees of political subdivisions. Ought to Pass.

A political subdivision may permit its employees upon retirement to continue to participate in the same health care plan as its active employees. Vote 18-0. Rep. Janet R. Pelley for Appropriations.

HB 1056-FN-A, authorizing the payment of bond expenses out of bond proceeds and continually appropriating funds for such expenses if bond proceeds are insufficient. Ought to Pass with Amendment.

This bill appropriates \$175,000 in FY '88 and the same amount in FY '89 to fund indirect expenses related to financial advisors, credit rating services required by the state when we issue bonds. It will assist the Legislature in identifying and accounting for bonding expenses. Direct expenses incurred in issuing bonds will continue to be paid from bond proceeds. Vote 17-0. Rep. John B. Hammond for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the payment of bond expenses out of bond proceeds
and authorizing the appropriation of funds for such
expenses if bond proceeds are insufficient.

Amend RSA 6-A:7-a as inserted by section 1 of the bill by replacing it with the following:

6-A:7-a Cost of Issuance. Direct expenses incurred in issuing bonds, including payments for bond counsel, registrar, paying agent, and printing and distribution services shall be paid by the treasurer, with approval of the governor and council, out of bond proceeds, including premiums and accrued interest, as allowable under federal tax law. Indirect expenses related to financial advisors, credit rating, services, and other such related expenses shall be paid from the operating budget appropriation to the treasurer for such expenses. If the bonds to which the indirect expenses are related are funded from a source of funding other than the general fund, then that source of funding shall reimburse the general fund for such expenses. If the budgeted appropriation is insufficient to pay any remaining expenses incurred in issuing bonds, the governor and council, with prior approval of the fiscal committee, may authorize funding for such expenses. The governor is authorized to draw his warrant for the payment of such expenses out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 2 with the following:

2 Budget Amended. Amend 1987, 400:1.01, 08, 03 by inserting after class 93 the following new class:

	<u>FY 1988</u>	<u>FY 1989</u>
94 Bond issue - indirect cost G	175,000	175,000

3 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.01, 08, 03 to read as follows:

Total	[91,012,191]	[94,915,429]
	91,187,191	95,090,429
Estimated source of funds for		
Special general fund distrib		
01 Other agency funds	189,563	183,376
03 Refund of debt service	720,277	720,277
General fund	[90,102,351]	[94,011,776]
	90,277,351	94,186,776
Total	[91,012,191]	[94,915,429]
	91,187,191	95,090,429

4 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by this act.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, requested by the state treasurer, authorizes the treasurer to pay the direct expenses involved in issuing bonds out of bond proceeds. Indirect expenses shall be paid out of the operating budget appropriation to the treasurer for these expenses. If the bonds to which the indirect expenses are related are funded from a source of funding other than the general fund, then that source of funding shall reimburse the general fund for such expenses.

If bond proceeds are insufficient to pay these expenses, a sum sufficient to pay the remaining expenses may be appropriated by the governor and council with prior approval of the fiscal committee.

The bill, as amended, also inserts a new class line in the current operating budget to cover bond issue indirect cost, and includes \$175,000 for each year of the biennium.

HB 1072-FN-A, appropriating funds to the department of environmental services for a water supply study. Ought to Pass.

This bill appropriates \$15,000 from the general fund for the state's share of a \$145,000 water supply study for southern New Hampshire. The study will be a coordinated public/private effort, primarily funded by the water companies involved. The study is needed, and the cost to the state is minimal. Vote 16-0. Rep. Susan Schwartz for Appropriations.

HB 1074-FN, relative to prior service credit for the retirement system. Ought to Pass.

This bill allows a retirement system member to receive credit for the time during which he/she was employed in an unclassified or nonclassified capacity on a full-time basis with a duration of 6 months or more. The individual requesting such credit is required to pay the cost of the actuary's statement and shall pay both the member annuity savings fund share plus accumulated earnings thereon and the state annuity accumulation fund share plus accumulated earnings thereon before receiving credit for such service. Vote 17-0. Rep. John B. Hammond for Appropriations.

HB 1080-FN-A, relative to nongame species and making a continuing appropriation therefor. Ought to Pass with Amendment.

This bill establishes a fund for management of nongame species to receive donations, federal funds and/or appropriations for such purpose. Vote 17-0. Rep. Robert G. Holbrook for Appropriations.

Amendment

Amend RSA 212-B:6 as inserted by section 1 of the bill by replacing it with the following:

212-B:6 Fund Established. The state treasurer shall establish a separate nonlapsing account within the fish and game fund to be known as the nongame species account to which moneys obtained by the fish and game department shall be applied, including any federal moneys which become available under the federal nongame act, any state funds appropriated, and all donations received. The moneys in this account shall be used exclusively for the development and implementation of a comprehensive nongame species management program. No moneys shall be expended for nongame management except from this dedicated fund.

AMENDED ANALYSIS

This bill establishes a nongame species management act.

Nongame species means all wildlife in the animal kingdom except those listed as furbearing animals, game animals, game birds, small game, unprotected birds, and fish and marine species which are regulated under fish and game laws.

This bill, as amended, prohibits any expenditure of funds for the nongame management program except from the dedicated fund established in this bill.

HB 1091-FN, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field, to reimburse the continuing education advisory council.

(A) Ought to Pass with Amendment.

This bill authorizes the Insurance Commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and appropriates \$10,000 thereby limiting collection of fees to that amount for FY '89. Future expenditures are limited to the budget appropriations. Vote 17-0. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Insurance Commissioner to Collect Fees for Continuing Education Course Submissions; Special Fund for Reimbursement. Amend RSA 400-A by inserting after section 29 the following new section:

400-A:29-a Fees for Continuing Education Course Submissions; Special Fund Established.

I. The commissioner may impose and collect reasonable application fees in amounts to be determined by the commissioner from sponsoring organizations for submissions of continuing education courses to meet educational requirements established by rule for agents, brokers, and consultants.

II. The fees collected by the commissioner under paragraph I shall be forwarded to the state treasurer for deposit in the continuing education advisory council reimbursement fund. Moneys in this fund shall lapse to the general fund at the close of each fiscal year. Moneys from this fund shall be used by the commissioner to pay the expenses of compensating the continuing education advisory council, within the limits of appropriations made in the operating budget for this purpose.

2 New Subparagraph; Special Fund Established. Amend RSA 6:12, I by inserting after subparagraph (w) the following new subparagraph:

(x) Money received under RSA 400-A:29-a, II, which shall be credited to the insurance department's continuing education advisory council reimbursement fund.

3 Appropriation. The sum of \$10,000 is hereby appropriated to the insurance commissioner for the biennium ending June 30, 1989, for the purpose of compensating the continuing education advisory council. This appropriation shall be a charge against the continuing education advisory council reimbursement fund established by this act.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the insurance commissioner to impose and collect fees from sponsoring organizations for submissions of continuing education courses to meet educational requirements established by rule for agents, brokers, and consultants. The total amount of fees collected by the commissioner in any one fiscal year shall not exceed \$10,000.

This bill, as amended, provides that such fees shall be deposited in a special restricted fund, from which the insurance commissioner shall reimburse the continuing education advisory council, within the limits of funds appropriated for that purpose. The moneys in this fund shall lapse at the end of each fiscal year.

HB 1107-FN-A, establishing a committee to implement recommendations on legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor. Ought to Pass With Amendment.

This bill appropriates \$7,000 for actuarial consulting services for a committee established to study retirement benefits for legislative and constitutional officers. The Committee shall report to the Governor, the President of the Senate, and the Speaker of the House and shall recommend legislation for the 1989 session of the General Court. Vote 16-0. Rep. John B. Hammond for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor.

Amend the bill by replacing section 3 with the following:

3 Study and Report.

I. On or before December 1, 1988, the committee shall report to the governor, the president of the senate, and the speaker of the house, and shall recommend legislation for the 1989 session of the general court.

II. Such legislation shall incorporate the results of a study of retirement benefits for legislative employees and constitutional officers undertaken under the authority of 1986, 65:5, including, but not limited to, the following:

- (a) A defined contributions retirement system.
- (b) Management by an appropriate mutual fund.
- (c) Sign up and interface of the fund through the current New Hampshire Retirement System Administration.
- (d) Provision for bridging mechanisms to insure that in the 1990 time frame employees from other systems will be incorporated in order to maintain the level of 50 members required by the Tax Reform Act of 1986.
- (e) Definitions of a full-time employee and the buy-back of previous service.

III. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state such information and assistance as it deems necessary.

AMENDED ANALYSIS

This bill appropriates \$7,000 for the fiscal year ending June 30, 1989, to implement the results of a study of retirement benefits for legislative employees and constitutional officers.

As amended, the bill establishes a committee to recommend legislation which shall incorporate the results of the study, which shall include the definitions of a full-time employee and the buy-back of previous service. The committee shall report its findings and recommend legislation for the 1989 session of the general court on or before December 1, 1988.

HB 1112-FN-A, relative to the Head Start program and making an appropriation therefor. Ought to Pass.

This bill appropriates \$434,000 to supplementally fund New Hampshire's Head Start Program. These funds would be used to provide competitive staff salaries and maintain the program's transportation system. The Committee recognizes the significant contributions to the educational, medical and social well-being of many of New Hampshire's young children served by the program. Many other states supplementally support their head start programs. Vote 18-0. Rep. Edward Densmore for Appropriations.

HB 1115-FN-A, making a supplemental appropriation to the liquor commission. Ought to Pass with Amendment.

In the process of developing a supplemental budget, the Committee learned for the first time of a \$750,000 obligation to pay the state's share of the program to cope with the consequences of the major flooding that took place in the spring of 1987. These costs are considered in HB 1129.

This bill, as amended, provides that the State Office of Emergency Management will notify the Legislature both annually and whenever any agreements are made which require the expenditure of funds. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to emergency management expenditures.

Amend the bill by replacing all after the enacting clause with the following:

1 Governor's Office of Emergency Management. Amend RSA 107-C:3 to read as follows:

107-C:3 Governor's Office of Emergency Management. There is hereby created a governor's office of emergency management and a state director of emergency management. The governor, with the advice and consent of the executive council, shall appoint a director of emergency management to serve during the governor and council's pleasure. The director may employ such necessary technical, clerical, stenographic, and other personnel, fix their compensation, and may make such necessary expenditures from state or federal funds as are or may be made available to him for purposes of emergency management. The director and other personnel of the emergency management agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. The director, subject to the direction of the governor, shall be the executive head of the emergency management agency and shall be responsible to the governor for carrying out the program for emergency management of the state. He shall coordinate the activities of all organizations for emergency management within the state, state and local, county, and private, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter as may be prescribed by the governor. *On or before December 1 of each year, the director shall provide the president of the senate, the speaker of the house of representatives, and the fiscal committee of the general court with information regarding outstanding balances relating to any agreement or mutual aid arrangement made pursuant to this chapter.*

2 Emergency Management Expenditures. Amend RSA 107-C by inserting after section 15 the following new section:

107-C:15-a Emergency Management Expenditures. If the office of emergency management enters into any agreement or mutual aid arrangement under this chapter which requires the expenditure of funds, the amount and purpose of any expenditure of funds shall be reported in writing to the fiscal committee of the general court within 30 days of such agreement.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, requires the governor's office of emergency management to inform the fiscal committee of the general court of the amount and purpose of any requirement for expenditure of funds pursuant to an agreement or mutual aid agreement within 30 days.

The bill also requires an annual report by the office of emergency management to the speaker of the house of representatives, senate president and the fiscal committee of any outstanding balances relating to such agreements.

HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer. (A) Ought to Pass.

This legislation allows repair businesses and police departments to dispose of unclaimed and abandoned property under prescribed procedures and increases the time for compliance with escheat procedures under RSA 471-C:30. This bill also appropriated \$75,000 for the purchase of a computer and a software system for management purposes. Vote 16-0. Rep. Philip H. Weymouth for Appropriations.

HB 1155-FN-A, relative to asbestos removal in the Hillsborough county courthouse and making an appropriation therefor. Inexpedient to Legislate.

The content of this bill was covered in HB 996. Vote 16-1. Rep. Lee Anne S. Steiner for Appropriations.

HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor. (A) Ought to Pass. The Committee supports the long-term cost savings proposed by this bill. It is a savings to the state to place these disabled people in a family setting rather than a group home. This bill will base rates on the severity of the condition of the resident. Vote 17-0. Rep. Ellen-Ann Robinson for Appropriations.

HJR 5-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of New Hampshire as the ninth and deciding state to ratify the United States Constitution. Inexpedient to Legislate. The intent of this resolution has been accomplished in the amended form of HB 773. Vote 18-0. Rep. Donna P. Sytek for Appropriations.

HB 940, relative to child support enforcement and paternity. Ought to Pass with Amendment.

This bill revises the child support and paternity laws to bring the State of New Hampshire into compliance with federal mandates. Without these revisions the state could stand to lose \$3.5 million dollars. Vote 13-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 161-C:10, II as inserted by section 1 of the bill by replacing it with the following:

II. The lien shall attach to all real and personal property of the responsible parent when the notice of debt or the decision is filed in the county in which such property is located with the registry of deeds and with the office appropriate for a notice with respect to personal property and liens against earnings. *The register of deeds or other appropriate agency shall keep a suitable record of such notices without charging any fee therefor and shall enter for the record an acknowledgment of satisfaction upon written request from the director of the division of human services.*

Amend the bill by replacing sections 3, 4 and 5 with the following:

3 New Paragraphs; Support Payments to be Judgments; Medical Insurance. Amend RSA 458:17 by inserting after paragraph VI the following new paragraphs:

VII. All support payments ordered or administered by the court under this chapter shall be deemed judgments when due and payable. Such judgments shall be given full faith and credit by all jurisdictions of this state.

VIII. No retroactive modification of support orders shall be permitted. Any modification of a support order shall not affect the amount of arrearages due prior to the date of filing the motion for modification.

IX. In addition to an order for support there shall be an order requiring the non-custodial parent to provide medical insurance benefits for the child if available at a reasonable cost. The cost shall be deemed reasonable if the health insurance is available through employment or another source at a cost for adding the child of no greater than the amount of credit allowed, if any, by the child support guidelines adopted for use in this state.

X. If the non-custodial parent fails, refuses or neglects to procure medical insurance benefits ordered pursuant to paragraph IX of this section, that parent shall be responsible for reimbursing the person or agency for the full cost of medical services provided to the child.

XI. If both the custodial and non-custodial parents have coverage which provides medical insurance benefits for the child, the insurance of the person who is obligated by court order to provide medical insurance shall be the primary coverage for the child. This paragraph shall not affect the obligation of the insurance carrier of the parent who is not obligated to provide medical insurance for the child to provide medical insurance benefits for any claim under a policy held by such parent.

XII. All child support orders shall include provisions as to who may claim the child as a dependent for income tax purposes.

4 Modifications; Limitation. Amend RSA 458:32 to read as follows:
458:32 Modification.

I. Upon motion and notice to the adverse party in the proceeding, or upon a new petition by either party and like procedure thereon, the court may modify or revise its orders and decrees. *Notwithstanding the foregoing, support orders based upon the child support guidelines adopted by the legislature need not be modified unless the current order will increase by 10 percent or more.*

II. *Either party may petition the court for a modification of a child support order for the purpose of bringing the order into compliance with the child support guidelines adopted by the legislature. The office of child support enforcement shall initiate such a petition on behalf of a party to a child support order who receives public assistance.*

5 New Paragraph; Unemployment Withholding. Amend RSA 458-B:4 by inserting after paragraph IV the following new paragraph:

V. The amount withheld from unemployment compensation benefits pursuant to RSA 282-A:159, II shall be 10 percent of the obligor's weekly benefit amount or any benefits payable up to that amount. The obligor may voluntarily increase the withheld amount up to the full amount of his unemployment benefits.

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill revises the child support and paternity laws. Changes in the child support laws are:

1. There is no fee for recording a lien for a child support judgment.
2. The interest on a child support judgment is set at the statutory amount for all judgments.
3. Support orders shall be deemed judgments when due and payable.
4. An order requiring medical insurance coverage for the child shall be made at the time of the support order.
5. Support orders made in accordance with child support guidelines adopted by the legislature need not be modified unless the increase is more than 10 percent.
6. Provisions for mandatory withholding from unemployment compensation payments.
7. Child support orders shall include provisions for who may claim the child as a dependent for income tax purposes.

Changes in the paternity law are:

1. Authorization of the use of tissue tests in addition to blood tests.
2. The use of expert testimony is optional.

3. If a paternity test shows a 97 percent or greater probability of paternity, a presumption of paternity is established.
4. The test results or procedures may be challenged.
5. Acceptable and unacceptable evidence of paternity is listed.

HB 964, granting law enforcement officials and certain employees of the department of health and human services the right to enter, without the consent of parent or guardian, public and certain private places to interview children or elderly persons who may be abused or neglected. Ought to Pass with Amendment.

This bill, as amended, grants law enforcement officials and employees of the Bureau of Child and Family Services, Division for Children and Youth Services, the right to enter public places to conduct an interview with a child who may be abused or neglected, without consent of the parents of such child, thus removing liabilities from schools. Vote 16-0. Rep. Irene C. Domini for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

granting law enforcement officials and certain employees of the department of health and human services the right to enter, without the consent of parent or guardian, public places to interview children who may be abused or neglected.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Law Enforcement Personnel and Bureau Employee Interviews of Child Victims. Amend RSA 169-C:38 by inserting after paragraph III the following new paragraph:

IV. Law enforcement personnel and bureau employees shall have the right to enter any public place, including but not limited to schools and child care agencies, for the purpose of conducting an interview with a child, without the consent of the parent or parents of such child, if there is reason to believe that the child has been:

(a) Sexually molested.

(b) Sexually exploited.

(c) Intentionally physically injured so as to cause serious bodily injury.

(d) Physically injured by other than accidental means so as to cause serious bodily injury.

(e) A victim of a crime.

2 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, grants law enforcement officials and employees of the bureau of child and family services, division for children and youth services, the right to enter public places to conduct an interview with a child who may be abused or neglected, without the consent of the parents of such child.

HB 1085-FN, requiring a national check on the records of child care license applicants. Inexpedient to Legislate.

Testimony before the Committee indicated that obtaining national record check information is often a slow process and cannot always provide the kind of information that would be useful in screening

child care providers. The Committee feels that HB 1147 which has been passed by the Committee should address the concerns in the bill. Vote 13-0. Rep. Pamela B. Bean for Children Youth and Elderly Affairs.

HB 1128, establishing child support guidelines. Ought to Pass with Amendment.

This bill establishes guidelines to be used in determining the amount of child support. As amended, this bill also establishes a committee to study child support issues and needs. Vote 15-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing child support guidelines, and establishing
a committee to study child support issues.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Child Support Guidelines. Amend RSA by inserting after RSA 458-B the following new chapter:

CHAPTER 458-C CHILD SUPPORT GUIDELINES

458-C:1 Purpose. The purpose of this chapter is to establish a uniform system to be used in the determination of the amount of child support, using specific guidelines based on the following principles:

I. The custodial parent shall share responsibility for economic support of the children born of the marriage or non marital union, irrespective of any non-custodial parent's child support order.

II. All non-custodial parents should be required to pay child support, no matter how small an amount.

III. The child is entitled to share in the highest standard of living that the parents' incomes permit after separation or divorce, taking into consideration the share of family resources available to the child when the family was intact.

IV. Priority for child support is given to the obligor's initial family. Undertaking additional parental responsibilities should not preempt existing responsibilities.

V. The maximum amount of child support payments is subject to the provisions of the federal Consumer Credit Protection Act, 15 U.S.C. section 1673(b).

VI. The percentage of gross income paid for child support should vary according to the number of children and, with limited exemptions, not according to income level.

458-C:2 Definitions. In this chapter:

I. "Gross income" means all income from any source, whether earned or unearned, including wages, salary, interest, dividends, net rental income, self-employment income, alimony, business profits, pensions, bonuses, and payments from other government programs (except public assistance), including, but not limited to, workers' compensation, veterans' benefits, unemployment benefits, and disability benefits.

II. "Obligor" means the parent responsible for the payment of child support under the terms of a child support order.

III. "Obligee" means the parent who receives the payment of child support under the terms of the child support order.

IV. "Percentage" means the numerical figure that is applied to gross income to determine the amount of child support.

458-C:3 Child Support Formula.

I. Number of Children	Percentage of Gross
1	20 percent
2	25 percent
3	28 percent
4 or more	32 percent

II. When the obligor provides medical insurance coverage for the minor children of the parties, the gross income amount used to calculate the percentage under paragraph I of this section shall be reduced by the actual amount paid for this insurance.

III. The child support formula shall be applied against the non-custodial parents' gross income to determine the level of support.

IV. The number of children in the same household for which child support is paid is the determining factor in the percentage applied against gross income. Any amount required to be paid under a prior order of child support shall be deducted from gross income before applying the applicable percentage.

V. In those cases where the obligor's gross, or if applicable, adjusted gross income, meets or exceeds 15 times the national poverty level, the percentage formula for child support payments shall not apply. The presiding officer shall determine the amount of the child support obligation based on the individual circumstances of the case.

458-C:4 Application of Guidelines.

I. There shall be a rebuttable presumption that the child support formula guidelines enable the child to enjoy the highest standard of living that the parents' incomes permit after divorce, taking into consideration the share of family resources available to the child when the family was intact, and equitably distribute between the parents the economic support of the child.

II. If the guidelines are not used the presiding officer shall explain in the order why they are not used.

III. The support guidelines shall be applied in all child support cases and in any order modifying an original support order, unless the specific issue of child support obligation has been resolved by agreement of the parties. Either party to a child support order may petition the court for a modification of the order for the purpose of bringing the order into compliance with these guidelines. The office of child support enforcement shall initiate such a petition on behalf of a party to a child support order who receives public assistance.

IV. When considering a request for modification of a support order under these guidelines, the court shall take into account any step children for which either party may be responsible.

V. In the event of an uncontested divorce, when arrangements for child support are delineated in an agreement between the parties, and not made according to these guidelines, the official presiding over the divorce shall certify, or otherwise make it a matter of record, that he finds the terms of the agreement reasonable, and he shall state in the record his reasons for this determination.

458-C:5 Exceptional Circumstances.

I. Exceptional circumstances, including, but not limited to, the following, may result in adjustments in the application of the support guidelines:

- (a) ongoing extraordinary expenses of the child, the obligee or the obligor, including daycare costs and state taxes paid;
- (b) significantly high or low income of the obligee or obligor;
- (c) the economic consequences of the presence of stepparents or stepchildren;

(d) extraordinary costs associated with the obligor's exercise of his physical custodial rights;

(e) the economic consequences to either party of the disposition of a marital home made for the benefit of the child;

(f) the opportunity to optimize each party's after-tax income by taking into account federal tax consequences of an order of support;

(g) state tax obligations;

(h) split or shared custody arrangements.

II. The obligor shall demonstrate exceptional circumstances by clear and convincing evidence.

2 Committee Established. There is established a committee to study child support issues. The duties of the committee shall include:

I. Studying federal child support legislation.

II. Reviewing child support guidelines in this state and other states, with a view toward improving New Hampshire's child support formula.

III. Reviewing the effectiveness of the New Hampshire office of child support enforcement.

IV. Reviewing present court procedures regarding child support.

V. Reviewing interstate child support compact projects.

VI. Investigating the use of mediation in child support cases.

VII. Any other child support issues which the committee may deem important.

3 Membership. The committee shall consist of 11 members, as follows:

I. Two members of the house of representatives, appointed by the speaker of the house.

II. Two members of the senate, appointed by the president of the senate.

III. Two members of the New Hampshire Bar Association, appointed by the governor.

IV. Three members, at least one of whom shall be a non-custodial parent, and at least one of whom shall be a custodial parent; appointed by the governor.

V. A justice of the New Hampshire superior court, appointed by the governor.

VI. The administrator of the office of child support enforcement.

4 Chair; Staff. The governor shall appoint the chair of the committee, who shall call the first meeting of the committee within 30 days of the effective date of this act. The staff of the office of child support enforcement shall assist the committee with its duties as needed.

5 Report. The committee shall make a report of its findings and recommendations by December 31, 1988, to the governor, the speaker of the house, and the president of the senate.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes guidelines to be used in determining the amount of child support.

The bill, as amended, establishes a committee to study child support issues and needs.

HB 824, relative to area school district agreements. Ought to Pass with Amendment.

This bill aids school districts in long range planning by providing more stability in the make-up of area schools and sending districts. The possibility of more frequent votes - than the 4 years stated in the bill - for withdrawal of districts from area agreements can cause continuing turmoil and an unhealthy educational climate. Vote 11-0. Rep. Charles B. Yeaton for Education.

Amendment

Amend RSA 195-A:14, VII as inserted by section 1 of the bill to read as follows:

VII. Subject to the provisions of paragraph III of this section, if the voters of any sending district vote to remain in an area, such decision shall not be subject to reconsideration for 4 years.

AMENDED ANALYSIS

This bill, as amended, provides that if an area school district votes to keep the area agreement as it is, that decision cannot be reconsidered for 4 years.

HB 2019, relating to the transportation of school children. Inexpedient to Legislate.

This bill of intent would provide for a study to change the current law of transporting school children who live farther than 2 miles away, to a 1-mile radius.

The Committee feels that the study and control over transportation issues (and costs) should continue, as it presently exists, at the local level. Vote 12-0. Rep. Jacquelyn Domaingue for Education.

HB 1184-FN, relative to the regulation of mining. Refer for Interim Study.

The Committee believes the transfer of mining from the Department of Resources and Economic Development to Department of Environmental Services, the permitting of aggregate production, and related issues, are essential for the protection of New Hampshire's environment. Regrettably, the bill is sufficiently complicated that the Committee members need more time to study and understand all the ramifications. Mining has a significant impact on the environment and the laws should be carefully drafted to protect our natural resources. Therefore, the Committee was unanimous in recommending that HB 1184 be Referred for Interim Study. Vote 17-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 903, relative to the office of the ombudsman. Refer for Interim Study.

This bill, as initially introduced, seemed to be rather simple in what it accomplished. An amendment offered by the Division for Elderly and Adult Services at the time of hearing, posed several uncertainties in the minds of Committee members. After discussion with a representative of this Division, it was concluded that an in-depth study be instituted to insure that all questions are answered and cleared up for introduction of following legislation. Vote 13-0. Rep. William F. McCain for Executive Departments and Administration.

HB 917, making technical changes for the department of revenue administration. Ought to Pass with Amendment.

This bill is essentially a housekeeping bill for the Department of Revenue Administration. It puts into law the job title "multistate auditor," removes the specification of how many field team audit leaders there are, provides for the bonding of each Division Director as deemed sufficient by the board of approval, changes the date on which the Commissioner of Revenue Administration must file his report of all the taxable property in the state and its assessed value and adds exception to the paying of a penalty for underpayment of estimated taxes for a taxpayer filing for the first time. Vote 14-0. Rep. David M. LaMar for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after section 5 with the following:

6 Salaries. Amend RSA 94:1-a, I by:

I. Inserting the following:

(a) In group K, multistate auditors.

II. Amending the following:

(a) In group L, field team audit leader [(6)].

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

As amended, this bill:

(1) Removes the specific number of revenue administration field team audit leaders in group L.

(2) Inserts revenue administration multistate auditors in group K.

(3) Provides that each revenue administration division director shall be bonded as deemed sufficient by the board of approval under RSA 93-B, rather than in an amount determined sufficient by the commissioner of revenue administration.

(4) Changes the date on which the commissioner of revenue administration must file his report of all the taxable property in the state and its assessed value from January 15 to April 1.

(5) Adds an additional exception to paying a penalty for under payment of estimated taxes in cases where it is the first tax period for which a taxpayer is required to file a tax return.

HB 1195-FN, relative to the board of chiropractic examiners. Inexpedient to Legislate.

This bill was a separate approach to address the Board of Chiropractors. The initial adoption of HB 1193 by the House and further endorsed by Appropriations for action on February 11, 1988, negates the need for this bill. Vote 14-0. Rep. William F. McCain for Executive Departments and Administration.

HB 833, limiting the liability of housing finance board members and library volunteers. Ought to Pass with Amendment.

This bill, as amended, brings the New Hampshire Housing Finance Board and its employees and officials under the state's Sovereign Immunity Statute RSA 99-D. The library volunteers are no longer in this bill as they will be addressed in HB 237. Vote 11-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the defense and indemnification of housing
finance board officials and employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Defense and Indemnification; Housing Finance Board Officials and Employees. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including

members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks thereof, or any harbor master appointed by the New Hampshire port authority, or *officials and employees of the New Hampshire housing finance board*, seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or of any other third party under a similar obligation.

2 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, provides that the state shall defend and indemnify housing finance board officials and employees in civil claims brought against them for acts committed within the scope of their duties for the state.

HB 871, relative to damages for wrongful death. Ought to Pass with Amendment.

The bill, as amended, establishes a right of recovery for consortium lost by the widow or widower of a decedent in wrongful death. It also allows for broadened recovery by other dependent relatives for such things as lost household services, housing expenses and educational expenses which the decedent would have provided. It also raises the recovery limitation allowed to remote relatives of decedents to \$150,000. Vote 12-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Damages for Wrongful Death; Elements. Amend RSA 556:12 to read as follows:

556:12 Damages for Wrongful Death[,]; Elements. *Except as limited by RSA 508:4-d*, if the administrator of the deceased party is plaintiff, and the death of such party was caused by the injury complained of in the action, the mental and physical pain suffered by the deceased in consequence of the injury, the reasonable expenses occasioned to [his] *the decedent's* estate by the injury, the probable duration of [his] *the decedent's* life but for the injury, and [his] *the decedent's* capacity to earn money during [his] *the decedent's* probable working life, may be considered as elements of damage in connection with other elements allowed by law, in the same manner as if the deceased had survived. *In addition, if the decedent has left either a widow or widower, the fair monetary value of services, protection, care, assistance, society, companionship, comfort, guidance, counsel and advice of the decedent to such person or persons, may be considered as an additional element of damage. If the decedent has left either a child, father, mother, or any relative dependent on the plaintiff's decedent, the fair monetary value of the services, care and assistance of the decedent to such person or persons may be considered as an additional element of damage.*

2 Limitation on Damages Recoverable for Wrongful Death. Amend RSA 556:13 to read as follows:

556:13 Limitation of Recovery. The damages recoverable in such an action shall not exceed [fifty thousand dollars] *\$150,000*, except in cases where the plaintiff's decedent has left either a widow, widower, child, father, mother, or any relative dependent on the plaintiff's decedent in which event there shall be no limitation. In the trial of such an action the jury shall not be informed of the limitation, if any, imposed by this section, and if the jury awards damages in excess of such limitation, the court shall reduce the amount of damages awarded to conform to such limitation.

AMENDED ANALYSIS

This bill, as amended, allows the court to consider as an element of damage in wrongful death actions the fair monetary value of the decedent's service, protection, care, assistance, companionship, comfort and advice to the decedent's widow or widower.

This bill, as amended, allows the court to consider as an element of damage in wrongful death actions the fair monetary value of the decedent's services, care and assistance to family members other than the widow or widower.

This bill also raises the limitation on damages recoverable in wrongful death cases where the decedent has no dependent family members from \$50,000 to \$150,000.

HB 972, relative to annulments of drug convictions and convictions which may result in habitual offender status. Ought to Pass with Amendment.

This bill, as amended, requires 7 years must pass after the date of conviction before the court may order an annulment of conviction for a controlled drug offense which resulted in a felony conviction. This bill further makes it possible for a person convicted under the old law to have the same chance to petition for restoration of driving privileges as those who have been convicted under the new law. Vote 10-1. Rep. C. William Johnson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

Amend the bill by replacing all after the enacting clause with the following:

1 Annulments of Drug Convictions. Amend RSA 318-B:28-a to read as follows:

318-B:28-a Annulments of Criminal Records. A person convicted of [possession of] a controlled drug *offense* under RSA 318-B:26, *I, III and IV* may petition for annulment of his record of conviction under the provisions of RSA 651:5. No court shall order an annulment pursuant to RSA 651:5 of any record of conviction for [possession of] a controlled drug *offense* until 7 years after the date of conviction.

2 Annulments of Drug Conviction Records. Amend RSA 651:5, XV to read as follows:

XV. No court shall order an annulment pursuant to this section of any record of conviction for an offense under RSA 639:2, RSA 639:3, III, RSA 649-A, *RSA 318-B:28-a*, or for an offense against a person under the age of 13 under RSA 632-A until 7 years after the date of conviction.

3 New Paragraph; Habitual Offenders; Review of Revocation. Amend RSA 262:19 by inserting after paragraph V the following new paragraph:

VI. A person who has had his license revoked pursuant to RSA 262:19, III may petition the director after one year for restoration of his driving privileges. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the conditions under which the director may restore a revoked driver's license prior to the expiration of the original period of revocation.

4 Habitual Offenders; License Restoration. Amend RSA 262:24 to read as follows:

262:24 Restoration of License. Upon the expiration of the revocation period imposed pursuant to RSA 262:19, III *or under conditions established by the commissioner pursuant to RSA 262:19, VI*, such person may petition the director for restoration of his license to drive a motor vehicle on the ways of the state. Upon such petition, and for good cause shown, the director may restore to such person the license to drive a motor vehicle on the ways of this state upon such terms and conditions as the director may prescribe subject to other provisions of law relating to the issuance of drivers' licenses.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1989.

II. Sections 3 and 4 of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that 7 years must pass after the date of conviction before any court may order annulments of convictions for certain controlled drug offenses. Currently the 7-year wait period for an annulment of a drug conviction applies only to drug possession convictions.

This bill, as amended, authorizes the director of motor vehicles upon petition, to review a person's operator's license revocation as an

habitual offender, after one year of revocation. The commissioner of safety shall by rules adopted under RSA 541-A, establish conditions for operator's license restoration.

HB 1001-FN, relative to civil rights suits against municipal board members. Ought to Pass with Amendment.

This bill, as amended, will require a preliminary hearing in malice suits against local boards. At this hearing the plaintiff will have to show "substantial evidence" that the claim is grounded. The bill will discourage frivolous suits against local board members. Vote 12-1. Rep. Thomas U. Gage for Judiciary

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to civil suits against municipal officials.

Amend the bill by replacing section 1 with the following:

1 New Section; Civil Suits Against Municipal Officials. Amend RSA 491 by inserting after section 23 the following new section:

491:24 Civil Suits Against Municipal Officials. Whenever an individual member of a municipal board or a municipal agency is sued personally for money damages and the plaintiff alleges bad faith or malice on the part of the member when acting in his official capacity, the superior court shall hold a preliminary hearing in which the plaintiff shall be required to show substantial evidence to support the allegation of bad faith or malice, sufficient to create an issue for determination by the finder of fact. If the court dismisses the case on the basis of such hearing, the plaintiff shall be required to pay the court costs and reasonable attorneys' fees of the defendant.

AMENDED ANALYSIS

This bill, as amended, requires the superior court to hold a "show cause" hearing in civil suits against a municipal board or agency member. If the court dismisses the action, the plaintiff is required to pay the defendant's court costs and attorneys' fees.

HB 1003, relative to fault grounds for divorce. Refer for Interim Study.

This bill was introduced by several Committee members as a consensus bill on reforming fault grounds in divorce. Unfortunately, there is no consensus at this time. Therefore, the Committee wishes to study the bill in hopes of reconciling its differences. Hope springs eternal! Vote 8-3. Rep. Thomas U. Gage for Judiciary.

HB 1024-FN, relative to the defense and indemnification of New Hampshire conservation districts, their officials and employees. Inexpedient to Legislate.

The Committee voted 11-0 to report this bill as Inexpedient to Legislate because the purpose of the bill will be taken care of in HB 237. Rep. Francis E. Robinson for Judiciary.

HB 2016, relating to use of breath alcohol analysis ignition interlock devices. Inexpedient to Legislate.

The subject matter of this bill of intent is being dealt with in HB 943, therefore it is voted Inexpedient to Legislate. Vote 9-3. Rep. C. William Johnson for Judiciary.

HB 882, relative to the rights and obligations of an injured employee under the workers' compensation law. Refer for Interim Study. Additional information and questions came in late as to the effect of this bill on business. Also, as to how it would be administered. Due to time schedule for crossover, the Committee felt the best solution was Interim Study. Vote 12-3. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 927, concerning certain labor laws. Refer for Interim Study. This is another bill which included restrictions on youth work. It needs to be coordinated with HB 1052 and SB 334 which is in the Education Committee. Vote 11-1. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 1052-FN, relative to the youth employment law. Refer for Interim Study.

This is one of two bills in this Committee that deal with hours youth may work. There is also Senate Bill 334 just referred to the House Education which deals in part with hours of youth employment. The Committee would like to consider the youth part of the Senate Bill along with the Education Committee to coordinate all youth hours on all three bills. Vote 13-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 1054, relative to compulsory overtime. Refer for Interim Study. The majority of the Committee felt that further study is needed on this bill. The Chairman of the Committee stated that if this bill is put in Interim Study, it shall have public hearings well-advertised to obtain more feedback from the general public and industries on an amendment newly-submitted on February 11, 1988 which changes the entire bill. Safety plays a major role in working overtime, but most contracts will permit compulsory overtime, also passing this bill could protect some incompetency in the professional field, such as a finance director who failed to have his books in order for an audit. The Committee should also look at the tourist seasonal industries and their commitment to the public. Vote 8-6. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

HB 1117-FN, granting subpoena power to legislative committee chairmen. Inexpedient to Legislate.

The House and Senate have rules which allow the full body to order a subpoena.

If this legislation were passed, as few as 8 members of a Committee of 21 could order a subpoena (8 being 2/3 of a quorum of 12 members). New Hampshire has a very open legislative branch of government with well-publicized public hearings and opportunities to testify afforded to all members of the public.

The sponsor of this bill could not name one specific time when testimony or information was requested and refused. Senior members of the House could not recall when a subpoena request was last made of the House.

House Rule 6 and Senate Rule 25 state, "all warrants, subpoenas and other processes issued by order of the House/Senate shall be under the hand and seal of the Speaker/President and attested to by the Clerk(s)."

The State Constitution, Part 2, Article 2, grants the Legislature "supreme legislative power," which implies the right to issue subpoenas. Part 2, Article 22, of our Constitution grants to the House the power to "order to attend."

The New Hampshire Supreme Court (96 NH 530 [1950]) stated: Not only may legislative bodies investigate, but they have adequate power to make investigation effective. The state courts quite generally have

held that the power to legislate carries with it by necessary implication ample authority to obtain information needed in the rightful exercise of that power and to employ compulsory process for the purpose.

The Legislature does not use the subpoena power it now possesses, and to expand that would serve no useful purpose at this time. It actually could harm the open legislative process that we now enjoy. Vote 14-0. Rep. James D. Phelps for Legislative Administration.

HB 746, relative to legalizing the Winchester town meeting. Ought to Pass.

This legislation is a matter of a housekeeping policy to legalize the Town Meeting that had executed an honest action for community betterment. Vote 11-0. Rep. Paul A. Golden for Municipal and County Government.

HB 880, relative to certification of water quality laboratories. Ought to Pass with Amendment.

The Committee agreed that certification standards for testing water for PCBs, volatile organics, and base/neutrals should be on a category-by-category basis. As amended, the bill also provides that a laboratory which has had four revocations or suspensions of certification within a 2-year period shall be subject to a one year extended revocation period unless the lab can show good cause for immediate recertification through an appeal to the Water Supply and Pollution Control Council. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend RSA 148-B:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The [division] *department* shall establish and administer a program to certify on an annual basis the facilities, techniques, collection procedures, testing methods, analytical performance, and qualifications of personnel of any laboratory for the purposes of RSA 148-B:4, I. The program shall be no less stringent than the United States Environmental Protection Agency's rules and regulations for the certification of drinking water laboratories. Certification shall be granted on an analyte-by-analyte basis [and] *for all analytes with the exception of PCB's, volatile organics, and base/neutrals. Certification for these analytes shall be granted on a category-by-category basis, depending on the laboratory's ability to analyze, to a degree of certainty to be established by rule adopted by the department pursuant to RSA 541-A, the analytes in that category. Certification shall be based on the capability of the laboratory to analyze samples with precision and accuracy.*

Amend RSA 148-B:4, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Changes in laboratory ownership, location, personnel, methodology, or other factors significantly affecting the performance of analyses for which it was originally certified shall be reported *in writing* to the certification officer of the division within [48 hours] *5 business days* of the change.

Amend section 3 of the bill by replacing it with the following:

3 New Paragraph; Definition; Department. Amend RSA 148-B:1 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the department of environmental services.

Amend the bill by replacing all after section 4 with the following:

5 Water Testing Laboratory Certification; Administration. Amend the introductory paragraph of RSA 148-B:2 to read as follows:

148-B:2 Administration. This chapter, *with the exception of RSA 148-B:4, 4-a, and 4-b*, shall be administered by the division, which is authorized and empowered to:

6 Water Testing Laboratory Recertification. Amend RSA 148-B:4, VIII to read as follows:

VIII. Certification may be denied, revoked, suspended, or modified as determined by rules of the [division] *department*. A laboratory which has had certification revoked or suspended shall be recertified at such time as it again meets criteria for certification[.] *provided, that such laboratory has not had its certification revoked or suspended more than 3 times in the preceding 2 years. Upon notification of the 4th such revocation or suspension, such laboratory shall not be eligible for recertification for one year from the date of such notice, except that, upon appeal by such laboratory, the water supply and pollution control council may waive such extended period of revocation or suspension if such laboratory can demonstrate to the council good cause for the immediate recertification of such laboratory.*

7 Reference Change. Amend the following RSA provisions by replacing "division" with "department": RSA 148-B:4; 148-B:4-a; and 148-B:4-b.

8 Repeal. RSA 148-B:5, III(a), relative to rulemaking for water testing laboratory certification, is repealed.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, authorizes the department of environmental services to establish certification standards for laboratories testing water samples for PCB's, volatile organic chemicals, and base/neutrals on a category-by-category basis.

The bill, as amended, requires laboratories to notify the department in writing of certain changes affecting analysis performance. The bill also requires laboratories which have their certification revoked or suspended more than 3 times in 2 years to wait one year before being recertified, or to show good cause to the water supply and pollution control council for their recertification.

The bill also changes references from the division of water supply and pollution control to the department of environmental services, reflecting the commissioner's authority over the laboratory services unit.

This bill is a request of the department of environmental services.

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control. Ought to Pass with Amendment.

This bill establishes a fee system for the Division of Water Supply and Pollution Control review of project plans under RSA 149:8-a, which involves significant alteration of terrain affecting the surface waters of the state. The fees are to be based on the total area the project would impact. Normal agricultural operations and timber harvesting are exempt from the fees. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend RSA 149:8-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The division shall charge a fee for each review of plans, including project inspections, required under this section. The fee shall be based on the extent of contiguous area to be disturbed. The fee for plans encompassing an area of at least 100,000 square feet shall be \$100. An additional fee of \$100 shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No permit shall be issued by the division until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the treasury as unrestricted funds.

III. Normal agricultural operations shall be exempt from the provisions of RSA 149:8-a. The division is authorized to exempt other state agencies from the permit and fee provisions of RSA 149:8-a provided that each such agency has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the division under this chapter. Timber harvesting operations shall be exempt from the fee provisions of this section. Permits shall be granted for timber harvesting operations provided that the department of revenue administration's intent to cut form is completed.

Referred to Appropriations.

HB 1106-FN, establishing a committee to develop a program to license certain construction in public waters. Ought to Pass with Amendment.

If enacted, this bill will establish a committee to develop a program for licensing of persons, both natural and corporate, performing construction work for hire in the public waters of the state. The bill was requested by the Department of Environmental Services which will provide technical, advisory, or staff assistance to the Committee as needed. Recommendations for legislation will be made to the House Speaker and Senate President on or before November 1, 1988. Vote 14-0. Rep. Nancy C. Beaton for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership; Compensation.

I. There is established a committee to develop a program for the licensing of persons, both natural and corporate, performing construction work for hire in the public waters of the state.

II. The committee members shall be:

(a) Three members of the senate development, recreation, and environment committee, appointed by the president of the senate.

(b) Three members of the house resources, recreation, and development committee, appointed by the speaker of the house of representatives.

(c) One representative of the office of the governor, appointed by the governor.

(d) The commissioner of environmental services, or his designee, who shall serve as committee chair.

(e) The commissioner of resources and economic development, or his designee.

(f) The director of the office of state planning, or his designee.

III. The committee shall meet at the call of the chair, or at the request of at least 4 committee members. The committee shall meet not less than 4 times prior to submission of its report.

IV. The legislative members of the committee shall be reimbursed for mileage for committee business at the legislative rate, and the state agency members shall be reimbursed for mileage for committee business at the state mileage rate.

V. The department of environmental services shall provide the committee with an advisory, technical, or staff assistance the committee deems necessary to accomplish its objectives.

2 Recommendations. The committee shall submit its recommendations for legislation to the senate president and speaker of the house on or before November 1, 1988.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a committee to develop a program of state licensing of persons doing construction work for hire in the public waters of the state. The committee will consist of 3 members of the senate development, recreation and environment committee, 3 members of the house resources, recreation, and development committee, a representative of the governor, the commissioners of environmental services, resources and economic development, and the director, office of state planning, or their designees. The committee's legislative recommendations are due November 1, 1988.

The department of environmental services is to provide technical and staff assistance to the committee.

This bill is a request of the department of environmental services.

HB 1119, relative to watercraft restrictions on Squam and Little Squam Lakes in the towns of Holderness, Ashland, Center Harbor, Sandwich, and Moultonborough. Ought to Pass with Amendment.

This bill imposes thrill craft boating restrictions on Little Squam Lake in the Towns of Ashland and Holderness. The bill supplies a comprehensive state-of-the-art definition similar to other jurisdictions for "thrill craft." The bill directs that areas be designated where thrill craft useage is permitted - not areas where such usage is prohibited thereby putting the horse before the cart. Vote 14-1. Rep. Richardson Blair for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restrictions on thrill craft.

Amend sections 1 and 2 of the bill by replacing them with the following:

1 Purpose. This act is offered in the spirit of RSA 270:1, II, to allow for diverse uses of the lakes, including power boating, water-skiing, sailing, canoeing, rowing, swimming, fishing, and nature appreciation.

2 New Section; Little Squam Lake. Amend RSA 486 by inserting after section 32 the following new section:

486:33 Little Squam Lake.

I. No person shall operate any thrill craft on Little Squam Lake in the towns of Holderness and Ashland.

II. "Thrill craft" means and includes such mechanically propelled water or air cushion borne vehicles (other than a sea plane)

as, but not limited to, jet skis, surf skis, fun skis, jet-alone-skis, kite skis, wet bikes, hovercraft, air boats, miniature speed boats and any other similar devices having a carrying capacity of no more than 2 persons and capable of exceeding a speed of 20 miles per hour.

III. Any person who violates this section shall be guilty of a violation.

3 Operation of Thrill Craft. RSA 270:30-b is repealed and reenacted to read as follows:

270:30-b Thrill Craft.

I. The commissioner of the department of safety shall adopt rules pursuant to RSA 541-A designating areas where thrill craft may operate.

II. "Thrill craft" means and includes such mechanically propelled water or air cushion borne vehicles (other than a sea plane) as, but not limited to, jet skis, surf skis, fun skis, jet-alone-skis, kite skis, wet bikes, hovercraft, air boats, miniature speed boats and any other similar devices having a carrying capacity of no more than 2 persons and capable of exceeding a speed of 20 miles per hour.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, prohibits the use of thrill craft on Little Squam Lake in the towns of Holderness and Ashland.

This bill, as amended, requires the commissioner of safety to adopt rules under RSA 541-A relative to where thrill craft may be operated.

HB 1158-FN, relative to extension of the authority of the division of water supply and pollution control relative to safe drinking water. Ought to Pass with Amendment.

This bill, as amended, authorizes the Division of Water Supply and Pollution Control, Department of Environmental Services, to adopt rules to implement a public drinking water supply filtration system program and a wellhead protection program mandated by amendments to the Federal Safe Drinking Water Act. The bill was reviewed by the Attorney General's Office to insure minimum compliance with federal standards. This bill, also provides that a public water system, as defined in RSA 148-B:1, IX shall annually make water supply quality information available to consumers upon request. Vote 14-0. Rep. Mary Ann Lewis for Resources Recreation and Development.

Amendment

Amend RSA 148-B:1, II as inserted by section 1 by replacing it with the following:

II. "Feasible" means capable of being done with the use of the best technology, treatment techniques, and other means which the division finds, after examination for efficacy under field as well as laboratory conditions, is available at reasonable cost.

Amend the introductory sentence of section 3 of the bill by replacing it with the following:

3 New Paragraph; Definition. Amend RSA 148-B:1 by inserting after paragraph XIII the following new paragraph:

Amend section 4 of the bill by replacing it with the following:

4 Drinking Water Rules. RSA 148-B:5, IV is repealed and reenacted to read as follows:

IV. The division may adopt rules specifying criteria and procedures for requiring public water systems to conduct monitoring programs for contaminants which are not identified in the national primary drinking water regulations, but which have been identified by the administrator of the United States Environmental Protection Agency as "unregulated contaminants." Such rules shall require monitoring of drinking water supplied by the system and shall vary the frequency and schedule of monitoring requirements for systems based on the number of persons served by the system. An unregulated contaminant is one for which no maximum contaminant level or treatment technique has been established under paragraph I or II. The maximum contaminant level for a unregulated contaminant shall be as recommended by the division of public health services, department of health and human services. Rules adopted under this paragraph shall list unregulated contaminants for which public water systems may be required to monitor. Any list established pursuant to this paragraph shall be consistent with the list of unregulated contaminants identified in regulations promulgated by the administrator of the United States Environmental Protection Agency.

Amend section 5 of the bill by replacing it with the following:

5 New Paragraphs; Drinking Water Rules. Amend RSA 148-B:5 by inserting after paragraph IV the following new paragraphs:

V. The division may adopt rules specifying the criteria under which a filtration, including coagulation and sedimentation, as appropriate, is required as a treatment technique for public water systems supplied by surface water sources. In developing such rules the division shall consider the quality of source waters, protection afforded by watershed management, treatment practices such as disinfection and length of water storage and other factors relevant to protection of health. The division may require any public water supply system to assist in determining the necessity of filtration in that system. The division shall provide an opportunity for notice and public hearing prior to implementation of any filtration requirement. Following such hearing, the division shall prescribe, by rule adopted pursuant to RSA 541-A, a compliance schedule for such filtration requirement. A public water supply system shall comply with a filtration schedule prescribed by the division not later than 18 months after the division has made a determination of necessity under this paragraph.

VI. The division may adopt rules requiring disinfection as a treatment technique for all public water systems.

VII. The division may adopt rules specifying the criteria and procedures to be used to identify and notify persons who may be affected by lead contamination of their drinking water when such contamination results from either the lead content in the construction materials of the public water system or the corrosivity of the water supply, or both. The division may also adopt rules prohibiting the use of lead pipes, solder and flux in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption. Such rules shall not prohibit the use of leaded joints necessary for the repair of cast iron pipes.

VIII. The division may adopt rules relative to defining the best available technology, treatment techniques, or other means which are feasible for the purpose of meeting the federal maximum contaminant level. In defining the best available technology, treatment technique or other means, the division may consider the number of persons served by the system, other physical conditions related to engineering feasibility and cost of compliance, and information contained in health risk assessments provided by the division of public health services pursuant to RSA 125-H:3, II and IV. Such rules shall specify all applicable criteria relative to the division's determination.

IX. The division may adopt rules to implement a wellhead protection program pursuant to RSA 148-B:10-a.

Amend RSA 148-B:8, I(a) as inserted by section 6 of the bill by replacing it with the following:

(a) because of the characteristics of the raw water sources reasonably available to the system, the system cannot meet the maximum contaminant levels of such drinking water regulation despite application of the best [feasible] *available* technology, treatment techniques or other means[; or]. *The division's finding of the best available technology treatment, treatment technique or other means may vary depending upon the number of persons served by the system or for other physical conditions related to engineering feasibility and cost of compliance with maximum contaminant levels as considered appropriate by the division; or*

Amend RSA 148-B:8, II(c) as inserted by section 7 of the bill by replacing it with the following:

(c) the public water system was in operation on the earliest effective date, under present or prior law, of the contaminant level or treatment technique requirement. If a system serves fewer than 500 service connections and needs financial assistance, an exemption may be received for one or more 2-year periods if the system establishes that all practical steps are being taken to comply with this chapter. Each exemption shall be conditioned on monitoring, testing, analyzing or other requirements to ensure the protection of the public health, and shall include a compliance schedule under which the public water system will meet each contaminant level or treatment technique for which an exemption is granted as expeditiously as is feasible, but not later than 12 months after the date of issuance of the exemption. The division may extend the final date for compliance provided in any schedule required under this subsection for a period not to exceed 3 years after the date of the issuance of the exemption if the public water system establishes that:

(1) the system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

(2) in the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

(3) the system has entered into an enforceable agreement to become part of a regional public water system; and the system is taking all practicable steps to meet the standards.

Amend the bill by replacing all after section 7 with the following:

8 Water Quality; Notification. Amend RSA 149-B:9 to read as follows:
148-B:9 Notification of Noncompliance; *Water Quality*.

I. A public water system shall, upon granting of a variance or exemption or upon determination of its noncompliance with any primary drinking water standard or any rule adopted under this chapter or with any other requirement of this chapter notify the division of such noncompliance within 48 hours and shall notify its users of such noncompliance in accordance with rules adopted by the division under RSA 148-B:5.

II. *A public water system shall annually provide its consumers with information necessary for such consumers to receive water quality information from such system upon request.*

9 New Section; Public Water Systems; Tampering. Amend RSA 148-B by inserting after section 9 the following new section:

148-B:9-a Tampering With Public Water Systems.

I. Any person who tampers with, attempts to tamper with, or makes a threat to tamper with a public water system shall be guilty of a class B felony if a natural person and guilty of a felony if any other person.

II. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$50,000 if found guilty of tampering with a public water system, and not more than \$25,000 if found guilty of an attempt to tamper with or making a threat to tamper with a public water system. Each day of violation shall constitute a separate violation.

III. Any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system shall be liable to the state, upon suit brought by the attorney general, for a civil forfeiture not to exceed \$50,000 for such tampering or not to exceed \$25,000 for such attempt or threat.

IV. In this section, the term "tamper" means:

(a) to introduce a contaminant into a public water system with the purpose of harming persons; or

(b) to otherwise interfere with the operation of a public water system with the purpose of harming persons.

10 Enforcement and Penalties; Exceptions. Amend RSA 148-B:10, II to read as follows:

II. [Except as set forth in paragraph IV] Any [willful] *knowing* violation of any provision of this chapter [or], any rule adopted [hereunder] *under this chapter, any term or condition of an approval, exemption, variance or order issued under this chapter,* [and] or any misstatement of a material fact required to be disclosed [hereunder] *under this chapter,* shall constitute a misdemeanor for a natural person and a felony for any other person.

11 Enforcement and Penalties. Amend RSA 148-B:10, III to read as follows:

III. [Except as set forth in paragraph IV] *Any* person who violates any provision of this chapter [or], any rule adopted [hereunder] *under this chapter, or any term or condition of an approval, exemption, variance or order issued under this chapter* shall be liable to the state, upon suit brought by the attorney general, for a civil forfeiture in an amount not to exceed [\$500] *\$25,000* for each day of such violation.

12 New Paragraph; Penalties. Amend RSA 148-B:10 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$25,000 if found guilty of any violation of paragraph II of this section. Each day of violation shall constitute a separate offense.

13 New Section; Wellhead Protection. Amend RSA 148-B by inserting after section 10 the following new section:

148-B:10-a Wellhead Protection. The division may institute a wellhead protection program and may adopt rules, pursuant to RSA 541-A, to implement such program. The program, if instituted, shall include, but not be limited to, the following:

I. Determination of the responsibilities of state and local government units, and those of public drinking water supply systems with respect to wellhead protection.

II. Determination of the extent of the wellhead protection area, based on reasonably available hydrogeologic data, groundwater flow, recharge, discharge, and other data the division deems necessary to such determination.

III. Identify within each wellhead protection area all potential anthropogenic sources of contaminants which may have any adverse effect on human health, through consideration of all potential sources of such contaminants.

IV. Technical assistance, financial assistance, implementation of control measures, education, training, and demonstration projects to protect the water supply within wellhead protection areas from such contaminants.

V. Contingency plans for the location and provision of alternate drinking water supplies for each public water system in the event of well or wellfield contamination by such contaminants.

VI. Procedures, including, but not limited to, the establishment of technical and citizens' advisory committees, to encourage the public to participate in developing the protection program for wellhead areas. Such procedures shall include notice and opportunity for public hearing on the state program before it is submitted to the administrator, United States Environmental Protection Agency, for approval.

14 Deadline; Implementation of Federal Program. Not later than 18 months from the date the United States Environmental Protection Agency establishes federal criteria for a public drinking water supply filtration program, the division of water supply and pollution control, department of environmental services, shall adopt rules pursuant to RSA 148-B:5, I(d). Not later than 12 months following adoption of such rules, the division shall determine filtration requirements for each public drinking water supply system within its jurisdiction which is supplied by surface waters.

15 Effective Date. This act shall take effect 60 days after its passage.

HB 787-FN, relative to alternative energy supply plans for nuclear electric generating facilities. Inexpedient to Legislate.

The Committee fully agrees with the necessity of a public utility including in its unusual plans, alternative power supply options for bulk power supply facilities.

Testimony was given that shows alternative power supplies options are provided to the Public Utilities Commission. There is now an annual ten (10) year plan submitted to Public Utilities Commission bulk power suppliers. There has also been submitted a five (5) year Supply/Dem, Strategy and Contingency Plan to Public Utilities Commission to address the export issue of alternative power supplies in lieu of the Seabrook Power Station not coming on line. Vote 8-0. Rep. William Hatch for Science, Technology and Energy.

HB 804-FN, establishing a study committee on alternative electrical generation. Inexpedient to Legislate.

The Committee recognizes the need to study alternative electrical generation, but feels this issue will be handled by the Joint Long-Range Energy Planning Committee already established by the Legislature. The bill's sponsor supports the Committee's 8-0 vote. Rep. Robert J. Scott for Science, Technology and Energy.

HB 892, relative to the provision of power to customers by public utility. Inexpedient to Legislate.

The regional approach to minimizing the adverse effects of power failures and high peak power demands has served New England and New Hampshire, in particular, adequately in the past. Also, the main units of our New Hampshire utility system have been designed based on overall regional concepts rather than as an isolated state system. Therefore, it was concluded that the present system of sharing the problem of power deficiencies over the region should be retained. Vote 9-0. Rep. Frederick A. Foss for Science, Technology and Energy.

HB 946, relative to denial, or threat of denial, of service by a public utility or its agents. Inexpedient to Legislate.

The Committee felt that unintended consequences associated with HB 946 make it infeasible. This legislation has the ultimate consequences of prohibiting the utility services under completely legitimate circumstances. Vote 8-0. Rep. Stephen A. Crystal for Science, Technology and Energy.

HB 963-FN, relative to certain public utility contracts. Ought to Pass with Amendment.

This bill would preserve two different types of existing legal arrangements for the sale of power from qualifying small power producers and cogenerators to a public utility: negotiated contracts and rate orders issued by the Public Utilities Commission. Commission orders are state-approved regulatory obligations. Vote 9-0. Rep. John B. Hunt for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Public Utility Payment Obligations. Amend RSA 362-A by inserting after section 7 the following new section:

362-A:8 Payment Obligations; Public Utilities.

I. Energy or energy and capacity provided by qualifying small power producers and qualifying cogenerators under commission orders or negotiated power purchase contracts are part of the energy mix relied on by the commission to serve the present and future energy needs of the state. The rates established in orders by the commission for the purchase of energy or energy and capacity from qualifying small power producers and qualifying cogenerators under this chapter or under applicable federal law shall continue in effect over the term and subject to the conditions originally established by the commission. Such rates exist under the legislative and regulatory authority of the state and shall be deemed a state approved legally enforceable obligation. Moneys collected by the public utility for the sale of power purchased from qualifying small power producers or qualifying cogenerators shall be paid to the qualifying small power producer or qualifying cogenerator on a timely basis, and shall not be diverted for any other purpose. These moneys shall be authorized for collection through such mechanisms as may be established by the commission from time to time. The commission shall not approve revenues for (1) a public utility which has rejected a negotiated power purchase contract with a qualifying small power producer or qualifying cogenerator, or avoided in any manner its obligations under a commission order requiring the purchase of energy or energy and capacity from a qualifying small power producer or qualifying cogenerator in any bankruptcy or reorganization proceeding, or (2) an entity controlling and in possession of the assets of a public utility which was a party to such a contract or order, unless the commission makes provision, within the revenues approved for said public utility or entity, for payment to the qualifying small power producer or qualifying cogenerator for all energy or energy and capacity made available by the qualifying small power producer or qualifying cogenerator, at the rate specified in the contract or order, provided that in the case of a contract the commission shall make such provision for payment only upon a finding that such provision is in the public interest.

II. The invalidity of any part of this section shall not destroy the section as a whole if its general purpose can be accomplished, notwithstanding any such invalidity.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, requires public utilities facing bankruptcy or reorganization under federal bankruptcy statutes to continue purchasing power under contracts or rate orders with small power producers and cogenerators. The bill requires the public utilities commission to withhold approval of any new rate structure for such public utility following bankruptcy or reorganization unless such rate structure includes provision for payment to small power producers and cogenerators for power produced under the pre-existing contract, if the commission determines that such provision is in the public interest.

HB 1157, relative to alternative energy purchased power recovery. Inexpedient to Legislate.

This subject matter was addressed in HB 963, therefore Inexpedient to Legislate. Vote 9-0. Rep. John B. Hunt for Science, Technology and Energy.

BCR 13, urging the United States Congress to pass legislation adjusting the shelter deduction permitted under the food stamp program to reflect local shelter costs in the communities served by the program. Ought to Pass with Amendment.

The increased cost of housing has impacted all people in New Hampshire. Particularly impacted are those less fortunate and dependent upon assistance such as food stamps.

This resolution urges Congress and our Congressional Delegation to adopt regulations which reflect those housing costs when considering a person's eligibility for food stamps.

This statement by the New Hampshire Legislature concurs with recent legislative actions to provide more appropriate levels of assistance to qualifying recipients. The amendment clarifies the resolutions. Vote 12-0. Rep. Vincent J. Palumbo for State-Federal Relations.

Amendment

Amend the title of the resolution by replacing it with the following:

relative to adjustment of the shelter deduction permitted
under the food stamp program.

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire general court petitions the United States Congress to pass legislation allowing the shelter deduction permitted under the food stamp program to be adjusted to reflect more accurately the cost of shelter in the communities served by the program; and

That the general court requests the members of the New Hampshire delegation to the United States Congress to urge the Secretary of Agriculture to adopt regulations adjusting the shelter deduction permitted under the food stamp program to reflect local shelter costs; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be delivered to the New Hampshire delegation to the United States Congress.

AMENDED ANALYSIS

This resolution urges the United States Congress to pass legislation adjusting the shelter deduction permitted under the food stamp program to reflect more accurately the cost of shelter in the communities served by the program.

The resolution, as amended, also requests the New Hampshire delegation to the United States Congress to urge the Secretary of Agriculture to adopt regulations to achieve this same end.

HB 1186, relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards, development restrictions, and classes of streets. Ought to Pass with Amendment.

This bill, as amended, addresses and defines inclusionary zoning, linkage, and accessory dwelling unit standards by adding these standards to the already innovative land use controls presently authorized by law. Support for the bill came from the New Hampshire Municipal Association, the Office of State Planning, and those who had worked on a similar bill. The amendment redefines "Accessory Dwelling Unit" and deletes new sections dealing with Development Restrictions, and Classes of streets and private ways. The bill and amendment have the concurrence of a designated representative from the Municipal and County Government Committee. Vote 10-0. Rep. Henry F. Whitcomb, Jr., for State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards and development restrictions.

Amend RSA 674:21, IV(c) as inserted by section 2 of the bill by replacing it with the following:

(c) "Accessory dwelling unit" means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, adds inclusionary zoning, linkage, and accessory dwelling unit standards to what may be included in innovative land use controls.

The bill permits any open space designation or other development restriction which is part of a cluster development, planned unit development or other proposal approved under innovative land use controls, or which is lawfully imposed by a local land use board as a condition of subdivision, site plan, variance or other type of approval, and which has been filed in the records of the local land use board in accordance with its established procedure, to create a conservation restriction as defined in RSA 477:45, I.

HB 969-FN, establishing a committee to study the development of an integrated transportation system in southern New Hampshire and the seacoast area. Inexpedient to Legislate.

This bill called for the establishment of a Committee to study the development of an integrated transportation system for southern New Hampshire and the seacoast area. It called for several people besides members of the House and Senate to serve and for a great deal

of research involving the many factors that would be related to accomplish the objective. Much of this has been done by other agencies and is available in the Office of State Planning. Also, the Committee is in possession of a Senate Bill that requires the Department of Transportation to take practically the same steps except that it is mandated to be a statewide proposal. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

HB 1042-FN, relative to road toll laws and the regional fuel tax agreement. Ought to Pass with Amendment.

This bill relates to certain minor items in the Regional Fuel Tax Agreement where change of wording will improve the text of the bill. It also makes such changes as "registered" to "certified" mail, "3" to "4" years for retention of records. The changes have been agreed to by all states involved and need only legislative approval. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend section 21 of the bill by replacing it with the following:

21 Rental Vehicles. Amend RSA 21-P:14, II by inserting after subparagraph (s) the following new subparagraph:

(t) a waiver from the decal and user of fuel license requirements of RSA 260:52 on a percentage basis for fleets of one-way rental vehicles 26,000 pounds or less manufacturer's gross vehicle weight rating.

22 Effective Date. This act shall take effect 60 days after its passage.

COMMITTEE REPORTS (Regular Calendar)

Reps. Chambers and Palumbo moved that HB 352-FN-A, relative to the return of revenue to cities and towns, be made a Special Order for 2:15 p.m.

Adopted.

HB 359-FN-A, relative to medicaid rates in certified nursing homes and making an appropriation therefor. (A) Inexpedient to Legislate. Though the Committee recognizes that there is a problem with the lag time on audits and rate setting for certain nursing homes, it did not feel that the expenditure of \$840,000 in this bill would solve the problem. The expenditure of that amount would upset a delicate balance, cost the counties money, and potentially cost the state a great deal more. The Committee is working with the Division of Human Services on rules to correct the audit lag. Vote 11-6. Rep. Elizabeth Hager for Appropriations.

Rep. Hager yielded to questions.
Resolution adopted.

HB 625-FN, increasing the boat permit and registration fees and depositing registration fees and certain permit fee moneys in the general fund. (A) Ought to Pass with Amendment.

Apples and Oranges Part of the reason for the confusion in the previous debate on HB 625 was due to the fact that both RSA 72 which deals with boat revenues for localities and RSA 270 which deals with boat revenues for the state use the words "fees," "boat fees" and "boat permit fees" without any clear distinctions as to which revenues are being discussed. Much of the amendment is just the verbiage to make this distinction clear: local revenues are now

called "boat fees" and state revenues are called "registration fees." Increased Local Revenues: Boat Fees Section 2 increases boat fees for the first time since 1979. The Committee found the fee increases, as approved by the policy Committee, reasonable and did not change them. However, it is important to note that while total revenues to localities will increase under this section, no city or town is guaranteed any specific amount. This is because boat fees go to the municipality in which the fees are paid, and this can vary from year to year. The only town or city that will definitely be hurt under this section is the City of Concord because 2-II provides that revenues collected by the Division of Motor Vehicles will no longer go to Concord as they have since 1979, but to the general fund instead. This problem is addressed in Section 8.

Increased State Revenues: Registration Fees Sections 4, 5 and 6 deal with general fund revenues and here again the committee has made no changes in the increased registration fees.

Boating Expenditures In an opinion of the justices issued on April 28, 1972, at the request of the House of Representatives, the New Hampshire Supreme Court said, in part: "A boat and motor registration fee enacted in the exercise of the State's police power must bear a relation to an approximate the expenses of issuing licenses and inspecting and regulating boating in the public waters of the State and must be expended to meet boating's direct and incidental regulatory costs."

In line with this decision (which has in the past been applied to other fees such as those generated by boards and commissions) and mindful of Section 1 which sets the goals of the bill, the Committee recommends that 80% of the revenue generated by boat registration fees be appropriated from the general fund for activities directly related to boating.

Section 7-I appropriates \$15,500 in each year to fully-fund the safe boating publication contained in HB 395.

Section 7-II appropriates funds for two full-time boat education officers thus tripling the existing resources in watercraft safety. The balance of the 80% boating revenues will be spent, in FY '88, to complete repairs at the Glendale boathouse, thus avoiding additional bonding to cover the shortfall for this project. This is a necessary, but one time expense which means additional boating funds will be available next session when the Legislature will be looking at the cost of such projects as moorings and dock enforcement.

General Purpose Expenditures Section 8 of the bill appropriates \$20,000 in general fund monies to the City of Concord. In effect, Concord will be partially compensated for the next two years, but will not participate in the increased local revenues which otherwise would come from the Division of Motor Vehicles' activities.

Effective Dates New laws are normally effective sixty days after passage which this year probably means the end of June. Rather than requiring new forms and new fees in the middle of a season, the amendment makes the increased fees effective next January 1, 1989. Vote 17-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fees for boats and boat registration,
and making certain appropriations.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. The general court hereby finds and declares that additional funds should be appropriated for the operation of the marine patrol section of the division of safety services, department of safety, for the promotion of the safety of navigation and the administration and enforcement of existing boating laws. The general court further finds and declares that the boat registration fees imposed under RSA 270:5 and increased by this act provide an appropriate source of additional funds for the administration and enforcement of existing boating laws.

2 Fee Increased. RSA 72-A:3 is repealed and reenacted to read as follows:

72-A:3 Amount of Fee. The boat fee shall be paid:

I. At a rate of:

- (a) 6 mills on a new boat.
- (b) 4 mills on a one-year old boat.
- (c) 3 mills on a 2-year old boat.
- (d) 2 mills on a 3-year old boat.
- (e) 1 mill on a boat 4 years old or more.

II. On an average approximate F.O.B. or P.O.E. price as follows:

(a) Cruisers

Length Overall Feet	Motor	Price
Up to 24	Single	\$ 18,800
Up to 24	Twin	23,200
24.1-28	Single	25,680
24.1-28	Twin	39,200
28.1-32	Single	44,240
28.1-32	Twin	56,080
32.1-36	Twin	78,560
36.1-40	Twin	102,960
40.1-44	Gas	130,640
40.1-44	Diesel	161,920
44.1-48	Gas	174,560
44.1-48	Diesel	220,720
48.1-52	Diesel	257,200
52.1 or over	Diesel	293,600

(b) Inboard Runabouts

10-17	\$ 8,240
17.1-20	12,640
20.1-24	19,840
24.1-28	31,440
28.1 - 32	53,360
32.1 - 36	87,680
36.1 - 40	101,760
40.1 or over	116,880

(c) Outboard with Motor

Length Overall Feet	Motor	Price
10 - 12	Up to 10 hp	\$ 1,280
10 - 12	10.1 to 20 hp	1,800
10 - 12	20.1 or over	3,080
12.1 - 16	Up to 10 hp	1,760
Length Overall Feet	Motor	Price
12.1 - 16	10.1 to 50 hp	3,240
12.1 - 16	50.1 or over	7,560
16.1 - 18	Up to 10 hp	2,480
16.1 - 18	10.1 to 50 hp	3,960
16.1 - 18	50.1 to 100 hp	5,680
16.1 - 18	100.1 or over	10,000
18.1 - 22	Up to 100 hp	13,040
18.1 - 22	100.1 to 175 hp	14,800
18.1 - 22	175.1 or over	17,960
22.1 - 26	Up to 175 hp	21,440
22.1 - 26	175.1 to 300 hp	24,640
22.1 - 26	300.1 or over	30,400
26.1 - 30	Up to 175 hp	27,600
26.1 - 30	175.1 to 300 hp	30,400
26.1 - 30	300.1 or over	33,760
30.1 & over	Up to 300 hp	36,960
30.1 & over	300.1 to 500 hp	43,680
30.1 & over	500.1 or over	57,350

(d) Pontoon and Houseboats

10 - 18	O/B	\$ 5,438
10 - 18	I/O	11,376
18.1 - 22	O/B	7,440
18.1 - 22	I/O	13,120
22.1 - 26	O/B	8,200
22.1 - 26	I/O	13,600
Length Overall Feet	Motor	Price
26.1 - 30	O/B	12,120
26.1 - 30	I/O	14,400
30.1 or over	O/B	16,360
30.1 - 36	I/B	20,960
36.1 - 40	I/O	42,920

40.1 - 46	I/O	78,120
46.1 - 50	I/O	104,760
50.1 or over	I/O	120,720

(e)	<u>Sailboats</u>	
18 - 20	O/B Aux.	\$ 6,680
20.1 - 24	O/B Aux.	10,480
24.1 - 28	O/B Aux.	21,280
24.1 - 28	I/B Aux.	23,120
28.1 - 32	O/B Aux.	37,040
28.1 - 32	I/B Aux.	39,440
32.1 - 36	I/B Aux.	45,520
36.1 - 40	I/B Aux.	68,560
40.1 - 44	I/B Aux.	94,760
44.1 - 48	I/B Aux.	105,000
48.1 or over	I/B Aux.	130,640

III. The minimum boat fee shall be \$10.

IV. The year of manufacture shall be the base year in determining the age of a boat pursuant to this section.

3 Return of Fees to General Fund. RSA 72-A:5 is repealed and reenacted to read as follows:

72-A:5 Town Treasurer.

I. Every clerk, tax collector, and authorized agent shall each week send all boat fees collected to his town or city treasurer. Except as provided in paragraph II, boat fees shall be for the general use of the town or city.

II. When the boat fee is collected by the division of motor vehicles, the division shall each month send all boat fees so collected to the state treasurer to be deposited in the general fund.

4 Registration Fee Increased. Amend RSA 270:5, III(a) to read as follows:

(a) Any boat that is powered by sail or by an inboard or outboard motor shall have its registration fee determined by length in the following manner:

Up to and including 16 feet	\$[7] 12
16.1 feet to 21 feet	[12] 17
21.1 feet to 30 feet	[17] 26
30.1 feet to 45 feet	[24] 36
45.1 feet and over	[32] 46

5 Fees Received. Amend RSA 270:6, II to read as follows:

II. The balance of the *registration* fees received, including the increased amount generated by the [new] fee schedule under RSA 270:5, III, shall be deposited in the general fund.

6 Additional Registration Fees. RSA 270:5, VII is repealed and reenacted to read as follows:

VII. There shall be paid to the director, in addition to the fees required by paragraph III, an additional fee of \$.50 for each registration required by the paragraph. The additional fee shall be paid

into the exotic weed control fund established under RSA 149-F:5, in addition to the fees required under that section.

7 Appropriations; Department of Safety. In addition to all other sums appropriated to the department of safety, division of safety services, PAU 02, 15, 03, 01:

I. The sum of \$15,500 is hereby appropriated for the fiscal year ending June 30, 1988, the sum of \$15,500 is appropriated and for the fiscal year ending June 30, 1989, for expenses incurred in issuing the safe boating publication to every person registering a boat for use on public waters of the state.

II. The sum of \$4,090 is hereby appropriated for the fiscal year ending June 30, 1988, and the sum of \$107,336 for the fiscal year ending June 30, 1989, for 2 permanent full-time classified boat education officers, labor grade 16.

III. The sum of \$233,639 is hereby appropriated for the fiscal year ending June 30, 1989, for repairs to the Glendale boat facility.

IV. The governor is authorized to draw his warrant for said sums in paragraphs I-III out of any money in the treasury not otherwise appropriated.

8 Appropriations; Department of Revenue Administration. In addition to all other sums appropriated to the department of revenue administration, PAU 01, 07, 01, 04, class (91), the sum of \$20,000 is appropriated for the fiscal year ending June 30, 1989, to the city of Concord to be used for fire services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Change from Boat Tax or Boat Permit Fee to Boat Fee. Amend the following RSA chapter title, sections, and paragraphs by replacing "boat permit fee", "boat tax", and "boat permit" with "boat fee": RSA 72-A; 72-A:2; 72-A:4; 72-A:6; 72-A:7; 72-A:8; and 72-A:9.

10 Change from Boat Permit Fee to Boat Fee. Amend the introductory paragraph of RSA 41:6, I to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and 23, library trustees investing funds as provided in RSA 202-A:23, town clerks, tax collectors and their deputies, and agents authorized to collect the boat [permit] fee shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

11 Change from Boat Permit Fee to Boat Fee. Amend RSA 270:4-a to read as follows:

270:4-a Receipt Required. Every application for the registration of a boat subject to the boat [permit] fee imposed by RSA 72-A:2 shall be accompanied by a receipt showing the payment of the [permit] *boat* fee. The director of motor vehicles or his authorized representatives shall not issue a registration unless such receipt accompanies the application, or the applicant proves his eligibility for exemption as provided in RSA 72-A:6.

12 Effective Date.

I. Sections 7 and 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1989.

AMENDED ANALYSIS

As amended:

This bill changes the references to a boat permit fee under RSA 72-A to a boat fee.

The bill provides that when the boat fee is collected by the division of motor vehicles, the division shall each month send all such fees to the state treasurer, to be deposited in the general fund.

The bill encourages the use of funds collected from boat registration fees to administer and enforce existing boating laws.

The bill provides for the issuance of a safe boating publication to every person registering a boat for use on the states' public waters.

The bill makes appropriations to the division of safety services for the following purposes:

- (1) \$31,000 to issue the safe boating publication.
- (2) \$111,426 for 2 boat education officers.
- (3) \$233,636 for repairs to the Glendale boat facility.

The bill makes an appropriation to the department of revenue administration of \$20,000 to the city of Concord for fire services.

Amendment adopted.

Ordered to third reading.

HB 773-FN-A, making supplemental appropriations to the commission on the status of women. Ought to Pass with Amendment.

The original content of this bill has been addressed in the supplemental budget. As amended by the Committee, it now becomes a vehicle to make the statutory changes necessary to declare June 21, 1988 Constitution Day while suspending the celebration of Fast Day as a legal holiday this year. This will minimize the financial impact on the state as well as on private employers, and will maximize the opportunity for more people to participate in the observance of the Bicentennial of New Hampshire's ratification of the Constitution. Vote 18-0. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the title by replacing it with the following:

AN ACT

relative to a legal holiday on June 21, 1988, celebrating New Hampshire's role in ratifying the United States Constitution and suspending the celebration of Fast Day for 1988.

Amend the bill by replacing all after the enacting clause with the following:

1 State Holiday. June 21, 1988, shall be set aside as a state holiday in New Hampshire in recognition of the bicentennial of the establishment of the Constitution of the United States, and of New Hampshire's role as the ninth and deciding state to ratify the United States Constitution. The governor shall issue an appropriate proclamation to the people of the state urging that the day be set aside to celebrate this epic event. The New Hampshire bicentennial commission on the United States Constitution shall select a theme and lasting objective for the celebration, and for said celebration, the bicentennial commission is authorized to accept donations and appropriations, and to expend such funds for the purposes of the celebration and the lasting objective.

2 Fast Day Holiday Suspended. Notwithstanding RSA 288:1, the fourth Monday in April, April 25, shall not be a legal state holiday in 1988 only.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes June 21, 1988, as a state holiday to celebrate New Hampshire's role as the ninth and deciding state to ratify the United States Constitution. The bill directs the governor to issue a proclamation commemorating the holiday, instructs the New Hampshire bicentennial commission to select an appropriate theme and

objective for the celebration, and authorizes the commission to accept donations and appropriations and expend those funds on the celebration.

The bill suspends, for 1988 only, the celebration of Fast Day, scheduled for April 25, 1988.

Amendment adopted.

Ordered to third reading.

HB 794-A, making capital appropriations and supplemental capital appropriations. Ought to Pass with Amendment.

The amendment covers the necessary funding for Postsecondary Vocational-Technical computer system; regulates the place that Rye Harbor spoils may be placed; allows for garage study; and access study of highway to Manchester Airport. Vote 18-1. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Corrections

A. Phase V prison construction

1. New 300 man housing unit	\$12,600,000
2. Annex renovations	1,350,000
3. Equipment and furnishings	800,000
4. Architecture and engineering construction supervision fees	235,000
5. Construction contingency	<u>418,000</u>

Total appropriation paragraph I \$15,403,000

II. Department of Postsecondary Vocational-Technical Education

A. Computer network

1. Hardware	\$ 366,000*
2. Software	132,500*
3. Communications/Facilities	<u>100,900*</u>

Total appropriation paragraph II \$ 600,000

Total state appropriation section 1 \$16,003,000

*To be 5 year bonds.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$16,003,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend the bill by replacing section 4 with the following:

4 Supplemental Appropriation; Rye Harbor Dredging. Amend 1985, 409:1, IX as amended by 1986, 209:1 and 1987, 358:1 to read as follows:

IX. Resources and Economic Development

A. Ski lift renovation and replacement, and snowmaking and trail improvements - Mt.

Sunapee, Cannon Mt. \$ 3,910,000

B. Coastal projects

1. Hampton, Portsmouth harbor - marine
repairs and dredging

520,000

2. Rye harbor projects

[450,000]

700,000

Total state appropriation subparagraph B

[970,000]

\$ 1,220,000

C. Safety modifications and sewage Franconia Notch state park	155,000	
D. Lodge expansion, water and sewer improvements - Mt. Sunapee state park	160,000	
E. Building repairs, parking and sewer improvements - Wallis Sands state park	290,000	
F. Handicapped facilities - state campgrounds	250,000	
G. Power and water - state campgrounds	250,000	
H. Safety hazards, building and sewer repairs Fort Stark	140,000	
I. Parking and building repairs Franconia Notch state park	170,000	
Total state appropriation paragraph IX		[\$ 6,295,C \$ 6,545,C

(A sum not exceeding 1-1/2 percent of the total capital appropriation made in section 1, IX, A, may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision. The appropriation made in section 1, IX, A for the department of resources and economic development shall not be expended, encumbered or obligated in any way without the approval of the capital budget overview committee. *The department of resources and economic development shall not dump any dredge materials resulting from the projects authorized in section 1, IX, B in any areas west of New Hampshire route 1A.*)

Amend the bill by replacing section 14 with the following:

14 Appropriation; Joint Committee on Legislative Facilities. The sum of \$100,000 is appropriated to the joint committee on legislative facilities for the fiscal year ending June 30, 1989, for the purpose of conducting a feasibility and preliminary design study of a parking garage facility. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Purpose; Study Authorized.

I. The general court recognizes that the Manchester airport is the largest airport in New Hampshire and is a critical element in this state's economic growth and well-being. The general court further notes that the planned growth of the Manchester airport will offer both safe and convenient air service for New Hampshire residents and an alternative to Logan Airport. Therefore, access improvements to the airport from the highway system must be made to alleviate current congestion and allow for the orderly growth of the Manchester airport area.

II. To accomplish the goals under paragraph I, the department of transportation, with input from the appropriate local communities, shall conduct a study regarding the feasibility of accomplishing the necessary access improvements from the highway system to the Manchester airport. The study shall include, but not be limited to, developing an improvement program and evaluating various funding mechanisms for the access improvements.

16 Report. The department of transportation shall report its findings and recommendations to the speaker of the house, the president of the senate, the chairpersons of the house appropriations and public works committees, and the chairpersons of the senate capital budget and finance committees no later than January 1, 1989.

17 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 1989, to the department of transportation for the purposes of section 15 of this act. This appropriation shall be a charge against the highway fund. The appropriation shall be nonlapsing.

18 Effective Date.

I. Sections 15-17 of this act shall take effect 60 days after its passage.

II. The remainder of this bill shall take effect July 1, 1988.

Amendment adopted.

Ordered to third reading.

HB 831-FN-A, relative to a one time reimbursement for oil spill damage and making an appropriation therefor and relative to the administration of the oil pollution control fund. (A) Ought to Pass.

This bill pays for damage caused by an oil sludge from an unidentifiable source. Vote 12-3. Rep. Paul I. LaMott for Appropriations.

Ordered to third reading.

HE 862-FN, relative to solid waste disposal and source reduction.

(A) Ought to Pass with Amendment.

This bill addresses the state's solid waste disposal problems. Because the policy Committee indicated this bill is its priority, the amendment creates a separate PAU for the purposes included in the bill. This will allow us to both monitor how the money is being used and to make sure that implementation of the program continues. The bill adds \$250,000 to the FY '89 operating budget. Vote 18-1. Rep. Susan Schwartz for Appropriations.

Amendment

Amend RSA 149-M:8, III as inserted by section 7 of the bill by replacing it with the following:

III. Allocate grants or other funds for implementation of the state plan, [or] for implementation of any district or local solid waste management project consistent with the state plan, *and for development and funding of a research project program on solid waste management, recycling, and planning with the university system of New Hampshire;*

Amend the bill by replacing all after section 16 with the following:

17 Progress Report. The bureau of solid waste, division of waste management, department of environmental services, shall report on the implementation of the provisions of this act on or before December 1, 1988, to the speaker of the house, the president of the senate, the chairman of the house appropriations committee, and the legislative budget assistant.

18 New PAU; Appropriation. Amend 1987, 400:1 by inserting the following new PAU:

03 Resource protection and development

04 Department of environmental services

05 Division of waste management

04 Solid waste program

FY 89

10	Personal services - permanent	23,946
20	Current expenses	10,000
30	Equipment	1,265
60	Benefits	4,789
70	In-state travel	1,000
80	Out-of-state travel	9,000
90	NHRRRA contract	15,000
91	Operator training & cert.	75,000
92	Transfer to UNH	25,000
97	Technical assistance	85,000

Total

250,000

Estimated source of funds for	
Solid waste program	
General fund	250,000
Total	250,000

19 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

20 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a state policy of waste reduction and recycling to address the state's solid waste disposal problem. The bill requires state agencies to use and purchase products made with recycled material whenever feasible. It also requires municipalities and solid waste management districts to submit solid waste management plans which address solid waste disposal for a period of 20 years.

The bill requires municipalities and solid waste management districts to submit current solid waste management plans to the division of waste management by October 1, 1989. The state will develop plans for those municipalities and districts which do not meet that deadline, and will assess those municipalities and districts 125 percent of the costs incurred by the state in developing such plans.

The bill authorizes the division of waste management to develop a grant program with the university system of New Hampshire to fund a research program in the area of solid waste management. The division is also authorized to coordinate with other states, interstate and federal agencies, and private organizations to develop an effective recycling program.

The bill authorizes the division to establish and administer a solid waste facility operation training program. The bill requires municipalities and solid waste management districts to submit annual reports on compliance with their solid waste management plans to the division of waste management, and requires the division to review each solid waste management plan at least once every 5 years.

The bill directs each state agency, under the direction of the division of plant and property management, department of administrative services, to develop a comprehensive plan to recycle waste materials.

The bill directs the bureau of solid waste to report on its progress in implementing this bill by December 1, 1988.

The bill establishes a new PAU, and appropriates \$250,000 to the bureau of solid waste to implement the provision of the bill.

Amendment adopted.

Ordered to third reading.

HB 876, relative to restricting speed limits of boats in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire. (A) Ought to Pass with Amendment.

The Committee corrected the title of the bill to reflect the changes made by the Transportation Committee. It also struck the appropriation of \$35,000 because no one appeared to testify and the Committee could not ascertain, by its deadline, what the \$35,000 was for. Vote 19-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restricting water-skiing in
certain coves on Squam Lake.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, restricts water-skiing within certain coves on Squam Lake.

Amendment adopted.

Ordered to third reading.

HB 885, relative to taking a boating safety course if convicted of any offense while boating. Ought to Pass with Amendment. This bill, as passed by the House, requires that a person convicted of any boating violation take a boat safety course. Enforcement of such a requirement is difficult as last week's debate showed. The amendment requires the safety education course at the discretion of the judge in the expectation it will be imposed upon conviction for a major violation. It also deals with the enforcement problem by requiring a violator to pay \$200 into a Boat Safety Fund. This money will be refunded if the violator completes a boat safety course within six months; the program thus becomes self-enforcing. Although one Legislature cannot bind the next, the amendment does not lapse unclaimed monies in the fund until June 30, 1991. It is hoped that this will provide an opportunity to fund additional boat safety education programs in the next session. Vote 14-3. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Boat Safety Fund; Boat Safety Course. Amend RSA 270 by inserting after section 46 the following new section:

270:46-a Boat Safety Fund; Boat Safety Course. In addition to any other penalty imposed, any person who is convicted of a violation of any provision of this chapter may be assessed an administrative penalty of \$200 to be paid to the director of safety services, who shall forward such sum to the state treasurer for deposit in the boat safety fund. Any person who pays such penalty and who, within 6 months of conviction, completes at his own expense a boat safety course as specified in rules adopted, pursuant to RSA 541-A, by the director of safety services shall have his \$200 refunded to him from the boat safety fund by the director. All moneys deposited in the boat safety fund shall be continually appropriated to the division of safety services.

2 New Subparagraph; Special Fund Established. Amend RSA 6:12, I by inserting after subparagraph (w) the following new subparagraph:

(x) Money received under RSA 270:46-a, which shall be credited to the division of safety services' boat safety fund.

3 Boat Safety Fund. Moneys deposited in the boat safety fund pursuant to RSA 270:46-a which are not refunded after 6 months shall not lapse until June 30, 1991, and may, with the approval of the fiscal committee and governor and council, be used by the commissioner of safety for the administrative expenses of this chapter.

4 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill, as amended, establishes a boat safety fund with the office of the state treasurer. Any person convicted of an offense while operating a boat, may, in addition to the other penalties imposed by law, be required to pay a \$200 administrative penalty to the director, division of safety services, department of safety. If such person completes, at his own expense and within 6 months of his conviction, a boat safety course as specified in a rules adopted by the director, he shall have his \$200 refunded to him.

Amendment adopted.

Ordered to third reading.

HB 932-FN-A, establishing a New Hampshire film and television bureau and making an appropriation therefor. Ought to Pass.

This bill establishes a New Hampshire Film and Television Bureau in the Department of Resources and Economic Development and appropriates \$1 to the Department for the establishment of the Bureau. Vote 16-2. Rep. Philip H. Weymouth for Appropriations.

Ordered to third reading.

HB 1000-FN-A, relative to the Christa McAuliffe memorial and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill establishes a Commission and sets up the method of funding for both construction and operation of the memorial. Vote 14-1. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Christa McAuliffe Planetarium Commission. Amend RSA 21-K by inserting after section 9 the following new subdivision:

Christa McAuliffe Planetarium Commission

21-K:10 Commission Established. There is hereby established a Christa McAuliffe planetarium commission consisting of 9 members to manage the planetarium to be constructed at the New Hampshire technical institute.

21-K:11 Commission Members; Appointment; Terms. The 9 members of the commission shall be appointed as follows:

I. Two members of the house of representatives to be appointed by the speaker of the house.

II. Two members of the senate to be appointed by the president of the senate.

III. Three members to be appointed by the governor with the consent of council for a term of 3 years.

IV. The commissioner of postsecondary vocational-technical education and the commissioner of libraries, arts, and historical resources shall serve as ex officio members of the commission.

21-K:12 Offices and Compensation. The commission shall annually elect one of its members as chairman, one as vice chairman, and one as secretary-treasurer. The members of the commission shall receive no compensation for their services; however, reasonable expenses incurred in the performance of their duties shall be paid from available commission funds.

21-K:13 Commission Administratively Attached. The commission shall be an administratively attached agency, as provided in RSA 21-G:10, to the department of libraries, arts, and historical resources.

21-K:14 Powers and Duties. The commission shall:

I. Supervise the design and program of the planetarium as authorized by the general court in a manner consistent with the intent of the project. All construction shall be undertaken under the provisions of RSA 228 and all contracts shall receive final approval by the governor and council.

II. Operate the planetarium, employ personnel, determine the franchises to be granted to concessionaires and consider any other matters deemed necessary to the proper operation of the planetarium.

III. Collect all fees generated by the planetarium, such fees to be used by the commission in its duties and for its expenses. Such accounts shall be subject to annual audit by the office of the legislative budget assistant.

IV. Cooperate and consult with the department of postsecondary vocational-technical education concerning the daily operation of the planetarium as well as integrated educational programs.

V. Enter into contracts which are necessary for the administration of its authority pursuant to this subdivision, including but not limited to contracting with the New Hampshire technical institute for any services that may be provided which are mutually beneficial.

VI. All contracts, agreements, procurement, personnel, and operations shall be subject to the same requirements as all other state agencies.

VII. Adopt rules under RSA 541-A relative to the fees to be charged, the method of collection of such fees, and any other matters it deems necessary for the proper operation of the planetarium.

21-K:15 Gifts; Grants; Donations. Notwithstanding any other provision of law, the commission is authorized to institute promotional programs to solicit and receive gifts, grants, or donations, of any kind, made for the development or operation of the planetarium. All monetary grants, gifts, or donations shall be deposited in the Christa McAuliffe planetarium fund.

21-K:16 Christa McAuliffe Planetarium Fund. There is hereby established in the office of the state treasurer a fund to be known as the Christa McAuliffe planetarium fund which shall be kept separate and distinct from all other funds. All fees received by the commission pursuant to RSA 21-K:14 and all monetary gifts, grants, and donations pursuant to RSA 21-K:15 shall be deposited in such fund. The operational expenses of the planetarium and the commission and, to the extent possible, the principal and interest on any bonds or notes which may be issued in the name of the state for the purpose of constructing and equipping the planetarium shall be paid from this fund. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the commission.

2 Appropriation. The sum of \$100,000 is hereby appropriated to the Christa McAuliffe planetarium fund established in section 1 of this act for starting up the planetarium commission's operations. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Capital Construction Appropriation. The sum of \$2,580,000 is hereby appropriated to the Christa McAuliffe planetarium commission for the purpose of constructing, furnishing, and equipping a planetarium to be located on the campus of the New Hampshire technical institute.

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act the state treasurer is authorized to borrow upon the credit of the state not exceeding \$2,580,000 and may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Payment of Bond. Payments of principal and interest for the bonds authorized in section 4 of this act shall be made from funds available from the fund established by RSA 21-K:16 to the extent funds are available. If funds are not available from such fund, payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

6 Transfer. Upon the effective date of this act all moneys currently in the Christa McAuliffe planetarium fund established by RSA 6:13-c shall be transferred to the fund established by RSA 21-K:16 as inserted by section 1 of this act.

7 Repeal. RSA 6:13-c, relative to the Christa McAuliffe planetarium fund, is repealed.

8 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, establishes a Christa McAuliffe planetarium commission to manage the planetarium to be constructed at the New Hampshire Technical Institute. The commission is to consist of 9 members.

Under this bill, the commission shall be an administratively attached agency under RSA 21-G:10 to the department of libraries, arts, and historical resources.

This bill also establishes a Christa McAuliffe planetarium fund and repeals the fund previously established under RSA 6:13-c.

This bill appropriates \$100,000 from the general fund to the new fund for the beginning of the operations of the commission. The bill also appropriates \$2,580,000 to the commission for the purpose of constructing the planetarium. The latter appropriation shall be bonded.

Amendment adopted.

Ordered to third reading.

HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor. (A) Ought to Pass.

This bill redefines who may qualify for membership in Group II of the New Hampshire Retirement System. Newly-created positions must be in Group I unless the Legislature puts the position in Group II. Any Group II position not certified as a Group II position by July 1, 1989 shall be reclassified as a Group I position. Any person who is a Group II member on the effective date shall continue to be a Group II member regardless of length of service. Vote 16-2. Rep. Janet R. Pelley for Appropriations.

Ordered to third reading.

HB 1088-FN-A, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor. (A) Ought to Pass.

This bill appropriates \$100,000 for the establishment of joint programs for the recruitment and training of day care providers. The

Committee believes this state initiative is an important step toward meeting New Hampshire's growing child care needs. Vote 17-1. Rep. Edward Densmore for Appropriations.

Ordered to third reading.

HB 1104-FN-A, relative to sewage treatment funds and making an appropriation therefor. Ought to Pass with Amendment.

This bill is urgently needed to assist New Hampshire's cities and towns who will have to undertake sewage treatment projects on or after July 1, 1988. The Committee recognizes that the state must assume more responsibility in addressing this serious environmental problem now that the federal government is lessening its participation. This bill will split the cost between communities and the State, and will provide a method of easier funding. Vote 17-1. Rep. William R. Matson for Appropriations.

Amendment

Amend section 4 of the bill by replacing it with the following:

4 Appropriation. There is appropriated to the division of water supply and pollution control, department of environmental services, the sum of \$5,000,000 for the purposes of section 1 of this act, and the sum of \$5,000,000 for the purposes of section 2 of this act. These funds shall be nonlapsing.

Amend the bill by replacing all after section 4 with the following:

5 Bonds Authorized. To provide funds for the appropriations made in section 4 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$10,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state. The bonds shall be 20 year bonds.

6 Applicability.

I. The provisions of RSA 149-B:1, I as amended by section 1 of this act shall apply to sewage treatment projects initiated on or after the effective date of this act. All projects initiated or constructed prior to the effective date of this act shall be funded at the 20 percent state share.

II. Only sewage treatment projects which do not receive federal funds may be funded through use of the state revolving loan fund program established by RSA 149-B:3-a as inserted by section 2 of this act.

7 Contingency. If HB 1142-FN-A, An Act relative to the construction of certain water projects and making an appropriation therefor, does not become law, then it is the intent of the legislature that the water projects listed in HB 1142-FN-A, the Manchester secondary treatment facility, the Manchester Cohas Brook interceptor, the Exeter secondary sewage treatment facility, the Monroe secondary sewage treatment facility, and the North Swanzey sewer interceptors, shall be given first consideration for inclusion in the state revolving loan fund program established by RSA 149-B:3-a.

8 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

The bill, as amended, establishes a sewage treatment revolving loan fund to be administered by the director, division of water supply and pollution control, department of environmental services. Funds are to be made available to municipalities which contract for new sewage treatment

plants on or after July 1, 1988, and which do not receive federal funding. Municipalities will be eligible to borrow funds to pay 50 percent of allowable costs for sewage treatment projects. The bill increases the state share of the sewage treatment construction grant program to 50 percent for projects initiated on or after July 1, 1988. The director is to adopt rules relative to the distribution of such funds to municipalities and the interest rates at which the loans will be repaid to the department.

The bill appropriates \$5,000,000 to the division of water supply and pollution control for the sewage treatment revolving loan fund, and \$5,000,000 for the sewage treatment construction grant program. The funds are to be raised through issuance of 20 year bonds.

The bill also provides that, if HB 1142-FN-A is not enacted, the water projects listed in that bill, the Manchester secondary sewage treatment facility, the Manchester Cohas Brook interceptor, the Exeter secondary sewage treatment facility, the Monroe secondary sewage treatment facility, and the North Swanzy sewer interceptors, shall have first priority for funding under the state revolving loan fund program established by this act.

Amendment adopted.

Ordered to third reading.

HB 1109-A, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor. Ought to Pass. This bill authorizes the Department of Transportation to purchase and rehabilitate the Cheshire Bridge, in the town of Charlestown, and includes a \$1,500,000 bond issue for that purpose. The bridge is now privately owned and it is a vital piece of the regional economy. Vote 17-0. Rep. Susan Schwartz for Appropriations.

Ordered to third reading.

HB 1121-FN-A, appropriating funds for construction of the North Swanzy sewer interceptor. Ought to Pass with Amendment.

This bill will take care of cleaning up a four community project that began in the early '70s, with three communities completed while North Swanzy was left behind. This was a gross miscarriage of priorities to North Swanzy and this bill will correct it. Vote 15-3. Rep. William R. Matson for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. There is appropriated the sum of \$1,800,000 to the town of North Swanzy for fiscal year ending June 30, 1989, for the construction of the North Swanzy sewer interceptor. This shall be a nonlapsing appropriation.

2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$1,800,000 and for said purpose may issue bonds and notes in the name of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made when due, after payment of the 5 percent local share of each project, from state aid grant funds appropriated to the division of water supply and pollution control, department of environmental services. The bonds shall be 20 year bonds.

3 Contingency. If HB 1142-FN-A, An Act increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor, includes the North Swanzy sewer interceptor

project and becomes law, the appropriation and bonding authority under this act shall not take effect.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, appropriates \$1,800,000 to North Swanzey for the construction of a sewer interceptor. The appropriation is to be funded by 20-year bonds, with the principal and interest to be paid for with 5 percent local funds and 95 percent state funds.

This bill, as amended, includes a contingency that it will not take effect if HB 1142-FN-A includes the North Swanzey sewer interceptor project and becomes law.

Amendment adopted.

Ordered to third reading.

HB 1122-FN-A, authorizing the hiring of school administrative unit field services consultants and making an appropriation therefor. Ought to Pass.

The Committee concurs with the recommendation of the House Education Committee and the SAU Study Committee that the Department of Education be authorized to hire two additional field service consultants to work with school administrative units throughout the state. Vote 9-8. Rep. Ellen-Ann Robinson for Appropriations.

Rep. Ellen-Ann Robinson yielded to questions.

A division was requested.

119 members having voted in the affirmative and 154 in the negative, the report lost.

Rep. Hager moved that HB 1122 be reported Inexpedient to Legislate.

Motion adopted.

Resolution adopted.

(Speaker in the Chair)

HB 1129, relative to obtaining supplemental appropriations. Ought to Pass with Amendment.

House Bill 1129 is the Supplemental Budget bill as approved by the Appropriations Committee on February 15, 1988.

This bill increases the biennial budget by \$26,764,327 and includes only those appropriations that the Committee felt are of fiscal importance and that demonstrate a real need for services and basic requirements to fulfill the mandate of prudent fiscal management. Vote 18-0. Rep. William F. Kidder for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

making supplemental operating budget appropriations,
amending the operating budget, and making
certain other appropriations.

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Appropriation; Indigent Defenders. In addition to any other sums appropriated to PAU 01,04,01,02,04, the sum of \$2,134,848 is hereby appropriated to the following classes for the fiscal year

ending June 30, 1989. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	<u>FY 1989</u>
90 Assigned Counsel	\$ 974,568
92 Contract Counsel	1,160,280
Total	<u>\$2,134,848</u>

2 Supplemental Appropriation; Auctioneers Board. Amend 1987, 400:1.01, 05, 06 class 80 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
80 Out-of-state travel	[2,000]	[2,000]
	5,000	5,000

3 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.01, 05, 06 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
Total	[22,509]	[22,561]
	25,509	25,561
Estimated source of funds for auctioneers board		
General fund	[22,509]	[22,561]
	25,509	25,561
Total	[22,509]	[22,561]
	25,509	25,561

4 Supplemental Appropriation. Amend 1987, 400:1.02, 06, 09, class 70 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
70 In-state travel	2,854	[1,954]
		4,800

5 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 06, 09 to read as follows:

Total	31,845	[32,145]
		34,991
Estimated source of funds for comm status of women		
General fund	31,845	[32,145]
		34,991
Total	31,845	[32,145]
		34,991

6 Supplemental Appropriation; Civil Defense Emergency Management. Amend 1987, 400:1.02, 07, 01, 04 to read as follows:

02 Administration of justice and public
protection
07 Civil defense
01 C.D. emergency management
04 Disaster contingency

	<u>FY 1988</u>	<u>FY 1989</u>
95 Contingency funds	[50,000]	50,000
	800,000	
Total	[50,000]	50,000
	800,000	
Estimated source of funds for disaster contingency		

General fund	[50,000]	50,000
	800,000	
Total	[50,000]	50,000
	800,000	

7 Supplemental Appropriation; Liquor Commission; 2 Additional Liquor Inspectors. Amend 1987, 400:1.02, 13, 01, 02 class 10 and 60 for fiscal year 1989 to read as follows:

	<u>FY 1989</u>
10 Personal services - permanent	[753,279]
	799,805
60 Benefits	[165,840]
	176,074

8 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 13, 01, 02 for fiscal year 1989 to read as follows:

	<u>FY 1989</u>
Total	[1,061,091]
	1,117,851
Estimated source of funds for regulation	
General Fund	[1,061,091]
	1,117,851
Total	[1,061,091]
	1,117,851

9 Supplemental Appropriation; Department of Corrections. Amend 1987, 400:1.02, 16, 03, 01, classes 20, 50, and 94 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
20 Current expenses	[45,795]	[65,795]
	55,795	85,795
50 Other personal services	[320,000]	[320,000]
	511,000	620,000
94 Other expenditures	[125,000]	125,000
	155,000	

10 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 16, 03, 01 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
Total	[7,073,489]	[7,539,915]
	7,304,489	7,859,915
Estimated source of funds for Bureau of security		
09 Industries reimbursement	36,000	36,000
General fund	[7,037,489]	[7,503,915]
	7,304,489	7,859,915
Total	[7,073,489]	[7,539,915]
	7,304,489	7,859,915

11 Supplemental Appropriation; Department of Corrections. Amend 1987, 400:1.02, 16, 03, 02, 01, classes 20 and 90 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
20 Current expenses	[1]	[1]
	47,001	125,506
90 Stockroom supplies	[70,815]	[86,352]
	95,815	121,352

12 Totals and fundings Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 16, 03, 02, 01 to read as follows:

Total	[288,415]	[309,245]
	<u>360,415</u>	<u>469,750</u>
Estimated source of funds for administration		
General fund	[288,415]	[309,245]
	<u>360,415</u>	<u>469,750</u>
Total	[288,415]	[309,245]
	<u>360,415</u>	<u>469,750</u>

13 Supplemental Appropriation; Department of Corrections. Amend 1987, 400:1.02, 16, 03, 02, 02 class 21 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
21 Food institutions	[846,360]	[949,655]
	<u>946,360</u>	<u>1,049,655</u>

14 Totals and Funding Source Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 16, 03, 02, 02 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
Total	[1,181,882]	[1,263,988]
	<u>1,281,882</u>	<u>1,363,988</u>
Estimated source of funds for Kitchen		
General fund	[1,181,882]	[1,263,988]
	<u>1,281,882</u>	<u>1,363,988</u>
Total	[1,181,882]	[1,263,988]
	<u>1,281,882</u>	<u>1,363,988</u>

15 Supplemental Appropriation; Department of Corrections. Amend 1987, 400:1.02, 16, 03, 02, 05, class 90 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
90 Clothing	[105,600]	[118,800]
	<u>121,600</u>	<u>138,800</u>

16 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 16, 03, 02, 05 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
Total	[234,256]	[254,225]
	<u>250,256</u>	<u>274,225</u>
Estimated source of funds for laundry		
General Fund	[234,256]	[254,225]
	<u>250,256</u>	<u>274,225</u>
Total	[234,256]	[254,225]
	<u>250,256</u>	<u>274,225</u>

17 Supplemental Appropriation; Department of Corrections. Amend 1987, 400:1.02, 16, 03, 02, 10 class 93 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
93 Outside Medical Services	[376,000]	[448,000]
	<u>636,000</u>	<u>748,000</u>

18 Totals and Funding Source Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 16, 03, 02, 10 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
Total	[890,693]	[1,023,181]
	<i>1,150,693</i>	<i>1,323,181</i>
Estimated source of funds for medical and dental		
General fund	[890,693]	[1,023,181]
	<i>1,150,693</i>	<i>1,323,181</i>
Total	[890,693]	[1,023,181]
	<i>1,150,693</i>	<i>1,323,181</i>

19 Supplemental Appropriation; Department of Corrections. Amend 1987, 400:1.02, 16, 04, 01 class 20 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
20 Current expenses	[169,378]	[200,315]
	<i>191,378</i>	<i>252,315</i>

20 Totals and Funding Source Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.02, 16, 04, 01 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
Total	[2,405,013]	[2,437,464]
	<i>2,427,013</i>	<i>2,427,013</i>
Estimated source of funds for bureau of district offices		
General Fund	[2,405,013]	[2,437,464]
	<i>2,427,013</i>	<i>2,427,013</i>
Total	[2,405,013]	[2,437,464]
	<i>2,427,013</i>	<i>2,427,013</i>

21 Reduced Appropriation; Department of Environmental Services. Amend 1987, 400:1.03, 04, 02, 01, 01 class 92 for fiscal year 1988 to read as follows:

	<u>FY 88</u>
92 Clearing and dredging D	[15,000]
	<i>11,700</i>

22 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.03, 04, 02, 01, 01 for fiscal year 1988 to read as follows:

	<u>FY 88</u>
Total	[683,365]
	<i>680,065</i>
Estimated source of funds for Water resources board	
02 Transfer from DOT	26,486
09 Agency income	5,304
General fund	[651,575]
	<i>648,275</i>
Total	[683,365]
	<i>680,065</i>

23 Supplemental Appropriation; Department of Environmental Services. Amend 1987, 400:1.03, 04, 01 for fiscal year 1988 to read as follows:

	<u>FY 88</u>
03 Resource protection and development	
04 Dept of environmental services	
01 Office of the commissioner	
10 Personal services - permanent	90,467
11 Commissioners salary	57,376

12	Assistant commissioner	*	48,732
20	Current expenses		[12,500]
			29,200
30	Equipment		[44,996]
			66,996
60	Benefits		41,281
70	In-state travel		900
80	Out-of-state travel		[3,000]
			5,000
90	State geology program		71,400

*

A portion of these funds may be utilized to reimburse the U.S. Environmental Protection Agency in the event that an intergovernmental personnel assignment agreement is negotiated to staff this position pursuant to RSA 98D:6V and RSA 98D:7. These funds cannot be transferred or expended for any other purpose.

Total	[370,652]
	411,352
Estimated source of funds for	
Office of the commissioner	
General fund	[370,652]
	411,352
Total	[370,652]
	411,352

24 Supplemental Appropriations; Department of Environmental Services.
Amend 1987, 400:1.03, 04, 03, 01, 01 to read as follows:

03 Resource protection and development
04 Dept of environmental services
03 Division of water pollution control
01 Water pollution program
01 Pollution control program

	<u>FY 88</u>	<u>FY 89</u>
10 Personal services - permanent	1,263,069	1,324,510
11 Salary of director	54,450	56,475
20 Current expenses *	84,350	95,288
24 Maint other than bldg & ground	2,300	2,400
28 Transfers to general services	[93,186]	95,953
		83,186
30 Equipment	48,100	10,000
40 Indirect costs E	38,475	38,475
41 Audit fund set aside D	700	700
50 Other personal services	38,000	38,000
60 Benefits	279,396	306,671
70 In-state travel	[30,000]	34,217
		47,000
80 Out-of-state travel	3,000	4,000
90 State aid grants	12,435,089	12,538,637
93 <i>Contractual</i>	46,000	

*

Included in this appropriation is the sum of approximately \$1,100 each year to cover the cost of marine insurance.

Total	[14,370,115]	14,545,326
	14,423,115	

Estimated source of funds for
pollution control program
00 water pollution
General fund

	367,272	366,51
	[14,002,843]	14,178,71
	14,055,843	
Total	[14,370,115]	14,545,3:
	14,423,115	

25 Supplemental Appropriation; Department of Environmental Services.
Amend 1987, 400:1.03, 04, 03, 07 class 70 to read as follows:

	<u>FY 88</u>
70 In-state travel	[40,000]
	71,500

26 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1, 03, 04, 03, 07 for fiscal year 1988 to read as follows:

	<u>FY 88</u>
Total	[1,224,447]
	1,255,947
Estimated source of funds for	
Subsurface waste disposal	
General fund	[1,224,447]
	1,255,947
Total	[1,224,447]
	1,255,947

27 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.04, 01, 04, 03 to read as follows:

	<u>FY 88</u>	<u>FY 89</u>
Total	80,878	80,189
Estimated source of funds for		
Federal rail safety		
00 federal funds	[40,439]	[40,095]
	11,587	-0-
General fund	[40,439]	[40,094]
	69,291	80,189
Total	80,878	80,189

28 Supplemental Appropriation; Department of Transportation. Amend 1987, 400:1.04, 01, 06 to read as follows:

	<u>FY 88</u>	<u>FY 89</u>
04 Transportation		
01 Department of transportation		
06 Debt service		
44 Debt service (other agencies)	[6,517,370]	[5,767,300]
	9,110,848	7,956,420
Total	[6,517,370]	[5,767,300]
	9,110,848	7,956,420
Estimated source of funds for		
Debt service		
Highway funds	[6,517,370]	[5,767,300]
	9,110,848	7,956,420
Total	[6,517,370]	[5,767,300]
	9,110,848	7,956,420

29 Supplemental Appropriation; Port Authority. Amend 1987, 400:1.04, 05, 01 class 80 to read as follows:

80 Out-of-state travel	[3,976]	[4,011]
	5,476	6,011

30 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.04, 05, 01 to read as follows:

	<u>FY 88</u>	<u>FY 89</u>
Total	[148,635]	[129,608]
	150,135	131,608
Estimated source of funds for		
Administration		
General fund	[148,635]	[129,608]
	150,135	131,608
Total	[148,635]	[129,608]
	150,135	131,608

31 Notation Changed. Amend 1987, 400:1.02, 15, 01, 01, 01 class 48 to read as follows:

	<u>FY 88</u>	<u>FY 89</u>
48 Cont. maint bldgs & grounds [G]	100,500	
	F	

32 Supplemental Appropriation; Department of Health and Human Services; Division of Public Health Services. Amend 1987, 400:1.05, 02, 02, 03, 05 to read as follows:

05 Health and social services

02 Department of health and human services

02 Division of public health services

03 Disease prevention and control

05 Vaccination program

10 Personal services - permanent	90,068	94,176
20 Current expenses	53,378	51,675
28 Transfers to general services	7,816	7,969
40 Indirect costs E	24,356	24,356
41 Audit fund set aside D	204	200
50 Other personal services	8,900	8,900
60 Benefits	19,550	21,387
70 In-state travel	2,850	2,850
80 Out-of-state travel	2,000	2,000
90 Vaccines*	400,000	700,000
Total	[209,122]	[213,513]
	609,122	913,513
Estimated source of funds for		
vaccination program		
00 Federal funds	97,617	97,612
General fund	[111,505]	[115,901]
	511,505	815,901
Total	[209,122]	[213,513]
	609,122	913,513

**It is the intent of the state government that vaccines purchased with these funds shall be provided to children without cost.*

33 Supplemental Appropriation; Department of Health and Human Services; Division for Children and Youth Services. Amend 1987, 400:1.05, 02, 03, 02, 07 to read as follows:

- 05 Health and social services
 - 02 Department of health and human services
 - 03 Division for children and youth services
 - 02 Bureau of children
 - 07 DCYS - settlement

	FY 88	FY 89
90 DCYS settlement	[16,419,437]	[16,199,171]
	21,510,211	21,289,945
Total	[16,419,437]	[16,199,171]
	21,510,211	21,289,945
Estimated source of funds for DCYS - settlement		
00 Federal funds	[600,000]	[600,000]
	-0-	-0-
05 Private of local funds	[3,954,858]	[3,899,793]
	5,322,783	5,267,718
General fund	[11,864,579]	[11,699,378]
	16,187,428	16,022,227
Total	[16,419,437]	[16,199,171]
	21,510,211	21,289,945

34 Reduced Appropriation; Department of Health and Human Services.
Amend 1987, 400:l.05, 02, 04, 05, 01 to read as follows:

- 05 Health and social services
 - 02 Department of health and human services
 - 04 Division of human services
 - 05 Grants
 - 01 Financial grants

41 Audit fund set aside	[22,295]	[22,614]
	21,345	21,664
90 AFDC	[21,759,854]	[22,613,740]
	19,859,854	20,713,740
Total	[21,782,149]	[22,636,354]
	19,881,199	20,735,404
Estimated source of funds for Financial grants		
00 Federal funds	[11,169,868]	[11,329,484]
	10,218,918	10,378,534
09 Agency income	1,051,848	1,099,521
General fund	[9,560,433]	[10,207,349]
	8,610,433	9,257,349
Total	[21,782,149]	[22,636,354]
	19,881,199	20,735,404

35 Reduced Appropriation; Department of Health and Human Services.
Amend 1987, 400:l.05, 02, 04, 05, 02 to read as follows:

- 05 Health and social services
 - 02 Department of health and
human services
 - 04 Division of human services
 - 05 Grants
 - 02 OAA APTD grants

90 OAA grants	984,197	989,218
91 APTD grants	[5,610,600]	[6,105,600]
	4,530,600	5,025,000
Total	[6,594,797]	[7,094,818]
	5,514,797	6,014,818

Estimated source of funds
for OAA APTD grants

05 Private and local funds	[3,297,398]	[3,547,409]
	2,757,398	3,007,409
09 Agency income	20,000	20,000
General fund	[3,277,399]	[3,527,409]
	2,737,399	2,987,409
Total	[6,594,797]	[7,094,818]
	5,514,797	6,014,818

36 Supplemental Appropriation; Department of Health and Human Services;
Division of Human Services. Amend 1987, 400:1.05, 02, 04, 05, 05 to read
as follows:

05 Health and social services

02 Department of health and human services

04 Division of human services

05 Grants

05 Medical grants

41 Audit fund set aside	[39,008]	[40,199]
	40,475	42,091
90 Provider payment	[38,071,497]	[40,198,716]
	41,005,974	43,983,193
Total	[38,110,505]	[40,238,915]
	41,046,449	44,025,284

Estimated source of funds for
Medical grants

00 Federal funds	[19,543,036]	[20,139,557]
	21,011,741	22,033,687
05 Private and local funds	[2,613,240]	[2,643,600]
	2,543,638	2,573,998
09 Agency income	153,000	156,000
General fund	[15,801,229]	[17,299,758]
	17,338,070	19,261,599
Total	[38,110,505]	[40,238,915]
	41,046,449	44,025,284

37 Supplemental Appropriation; Department of Health and Human
Services. Amend 1987, 400:1.05, 02, 04, 05, 06 to read as follows:

05 Health and social services

02 Department of health and human services

04 Division of human services

05 Grants

06 Nursing home grants

41 Audit funds set aside	D [70,759]	[72,778]
	73,606	75,625
90 Nursing Homes	[69,059,876]	[71,030,224]
	74,753,511	76,723,859
Total	[69,130,635]	[71,103,002]
	74,827,117	76,799,484

Estimated source of funds for
nursing home grants

00 Federal funds	[35,450,133]	[35,587,889]
	38,299,798	38,437,554
05 Private and local funds	[20,713,508]	[21,841,794]
	22,464,300	21,099,062
General fund	[12,966,994]	[13,673,319]
	14,063,019	17,262,868
Total	[69,130,635]	[71,103,002]
	74,827,117	76,799,484

38 Reduced Appropriation; Postsecondary Education Commission. Amend 1987, 400:1.06, 01, 01 classes 20, 30, and 96 to read as follows:

	FY 1988	FY 1989
20 Current Expenses	[21,326]	22,001
	29,966	
30 Equipment	[5,000]	3,594
	6,363	
96 Spec'l Student Grant-Veterinary	[233,500]	242,500
	213,503	

39 Totals and Funding Sources Adjusted. Amend the totals and estimated sources of funds for 1987, 400:1.06, 01, 01 to read as follows:

Total	[2,468,738]	2,490,701
	2,458,744	
Estimated Source of Funds for Administration & Financial Aid		
00 NH Incentive Program	275,000	275,000
09 Nursing sclrshp repaymnt	7,600	7,600
General Fund	[2,186,138]	2,208,101
	2,176,144	
Total	[2,468,738]	2,490,701
	2,458,744	

40 Supplemental Appropriation; Department of Education. Amend 1987, 400:1. 06, 03, 01, 01 by replacing all after line 93 with the following:

94 Academic Competitions	D*	15,000	15,000
Total		536,190	363,227
Estimated source of funds for Commissioner - state			
09 Literary fund		117,867	117,867
General fund		418,323	518,360
Total		536,190	636,227

*These funds shall be used as state support for travel grants to New Hampshire students attending national academic competitions.

41 Supplemental Appropriation; Department of Education; Building Aid. Amend 1987, 400:1.06, 03, 02, 04, 02 to read as follows:

06 Education

03 Department of Education

02 Office of Administration

04 Financial Aid to Districts - State

02 Building Aid

90 Building Aid	[7,928,360]	[6,375,000]
	8,184,340	9,675,000
Total	[7,928,360]	6,375,000
	8,184,340	9,675,000
Estimated Source of Funds for Building Aid		
General Fund	[7,928,360]	[6,375,000]
	8,184,340	9,675,000
Total	[7,928,360]	[6,375,000]
	8,184,340	9,675,000

42 Supplemental Appropriation; Department of Education. Amend 1987, 400:1.06, 03, 03, 01, 02 for fiscal year 1989 to read as follows:

06 Education
 03 Department of education
 01 Division of instruction
 01 General instruction
 02 Instruction program - state

	<u>FY 89</u>
10 Personal services - permanent	[225,502]
	254,257
20 Current expenses	[21,000]
	23,000
28 Transfers to general services	17,756
30 Equipment	[8,958]
	10,458
46 Consultants	2,330
50 Other personal services	1,000
60 Benefits	[49,685]
	56,011
70 In-state travel	[5,000]
	6,000
80 Out-of-state travel	[3,500]
	4,000
94 Workshop & conferences	2,000
Total	[336,731]
	376,812

Estimated source of funds for
 Instruction program - state

General fund	[336,731]
	376,812
Total	[336,731]
	376,812

43 Supplemental Appropriation; Department of Education. Amend 1987,
 400:1.06, 03, 03, 03, 01 class 92 to read as follows:

	<u>FY 1988</u>	<u>FY 1989</u>
92 Catastrophic Cost	[5,529,782]	[4,835,444]
	6,125,782	6,229,444

44 Totals and Funding Sources Adjusted. Amend the totals and estimated
 sources of funds for 1987, 400:1.06, 03, 03, 03, 01 to read as follows:

Total	[6,266,374]	[5,585,155]
	6,862,374	6,979,155
Estimated source of funds for special education - state		
General fund	[6,266,374]	[5,585,155]
	6,862,374	6,979,155
Total	[6,266,374]	[5,585,155]
	6,862,374	6,979,155

45 Supplemental Appropriation; Department of Education. Amend 1987,
 400:1.06, 03, 04, 01, 03 to read as follows:

06 Education
 03 Department of Education
 04 Division of Standards and Certification
 01 Standards and Certification
 03 School Volunteer Program/Comm Ed. Ctr

90 Contracted Services	40,254	[40,254] 60,254	
Total	40,254		[40,254] 60,254
Estimated Source of Funds for School Volunteer Program/Comm Ed. Ctr General Fund	40,254		[40,254] 60,254
Total	40,254		[40,254] 60,254

46 Appropriation; Bicentennial Commission. Amend 1985, 299:5 as amended by 1987, 59:1 to read as follows:

299:5 Appropriation. The sum of \$20,000 is hereby appropriated to the New Hampshire bicentennial commission on the United States Constitution established by this act and 1981 senate concurrent resolution 2, for the fiscal year ending June 30, 1985, [and] the sum of \$150,000 is hereby appropriated to such commission for the fiscal year ending June 30, 1987, *and the sum of \$50,000 is hereby appropriated to such commission for the fiscal year ending June 30, 1988*, for the purposes of enabling the commission to prepare an appropriate commemoration of this historic event. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The appropriations shall be deposited in a separate nonlapsing fund to be known as the United States Constitution bicentennial commission fund which shall be administered by the office of legislative accounting. In addition to the \$20,000, [and] \$150,000, *and \$50,000* appropriations, all moneys received under section 2, II of this act are also appropriated to the commission for the purposes of this act. The appropriations shall not lapse on June 30, 1985, [or] on June 30, 1987, *or on June 30, 1988*. The commission may expend moneys from the fund for its purposes through [the fiscal year ending on June 30, 1988] *December 31, 1988, and shall not cease to exist until December 31, 1988*. Any moneys remaining in the fund on [June 30, 1988] *December 31, 1988*, shall not lapse and shall be deposited in the historical fund established by RSA 177:4-b.

47 Purpose. The state government recognizes that an error was made by the department of revenue administration in setting rates for county taxes paid by certain towns and the cities of Manchester and Nashua in December 1987. This error resulted in overpayment of taxes by certain towns and underpayment of taxes by certain cities. The legislature desires to correct this error by appropriating the necessary amount from the general fund of the state to reimburse the towns for the amount overpaid. The general fund shall be compensated for the amount appropriated by payments from the cities of Nashua and Manchester over the next 5 years.

48 Repayment Plan; Cities of Nashua and Manchester. The cities of Nashua and Manchester shall be required to pay, over a 5-year period, on such dates and in amounts to be determined by the department of revenue administration, the total sum of \$1,350,000, which they were undercharged in county tax bills which were due in December, 1987. These cities shall not be charged interest on this amount.

49 Appropriation; Department of Revenue Administration. The sum of \$1,350,000 is hereby appropriated to the department of revenue administration for the fiscal year ending June 30, 1988, for the purpose of reimbursing towns which were overcharged in county tax bills which were due in December, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

50 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by this act.

51 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, makes supplemental appropriations and reduces certain appropriations in the operating budget.

Reps. Kidder, LaMott and Hager explained the report.

Rep. Gross explained the report and yielded to questions.

Rep. Jean moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Kidder spoke to the motion.

Rep. Densmore spoke against the motion and yielded to questions.

Rep. Ward spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 18 NAYS 277
YEAS 18

BELKNAP: Locke.

CARROLL: None.

CHESHIRE: Cole, Hunt, Morse and David Young.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Alukonis, Beaupre, Ducharme, Granger, Routhier and Kenneth Wheeler.

MERRIMACK: Fillion.

ROCKINGHAM: Carpenito, Drake, Warburton and Welch.

STRAFFORD: Jean and Koromilas.

SULLIVAN: None.

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BELKNAP: Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Maviglio, Pearson, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Blacketor, Clark, Daschbach, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, LaMar, Matson, Parker, Pierce, William Riley, Sawyer and Schwartz.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Furrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Dearborn, Densmore, Driscoll, Guest, Hammond, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baldizar, Bass, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Chretien, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Drolet,

Dube, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Leclerc, Levesque, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Paquette, Perham, Pignatelli, Prestipino, Reidy, Ellen-Ann Robinson, Rodgers, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Hess, Mary Holmes, Alf Jacobson, Kidder, Lewis, Lockwood, Nichols, Pantzer, Phelps, Philbrick, Provencal, Walter Robinson, Gerald Smith, Stio, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Conroy, Cooke, Cushing, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Merchant, Newell, Palumbo, Parr, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sochalski, Tilton, Tufts, Vaughn, Walker, Weddle, Wells and Wright.

STRAFFORD: Appleby, Bernard, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Robert Jones, Sandra Keans, Kinney, Martling, William McCann, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Amendment adopted.

Rep. Gross offered an amendment.

Amendment

Amend the bill by deleting sections 47, 48 and 49 and renumbering the original sections 50 and 51 to read as 47 and 48, respectively.

Rep. Gross explained the amendment.

Amendment adopted.

Ordered to third reading.

The Sullivan County Delegation, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 69

memorializing Representative Mildred S. Ingram of Acworth.

WHEREAS, it is with great sorrow that we acknowledge the death of Mildred S. Ingram who was in the midst of her fifth term as an honorable member of the the New Hampshire House of Representatives, and

WHEREAS, during her first term as an elected Representative, which was the biennium of 1977-78, Mildred S. Ingram served as a devoted member of the Standing Committee on Public Works, and

WHEREAS, during the four consecutive bienniums between 1981 and 1988, Mildred S. Ingram served as a member of the Standing Committees on Public Works and State Institutions and Housing, and

WHEREAS, throughout her legislative career, Mildred S. Ingram was respected by her peers, known to all as a lady of grace and grit, and

WHEREAS, having been born in Wabash, Indiana and raised in Birmingham, Alabama, Mildred S. Ingram, in 1953, settled in Acworth with her family, developing a deep love for her adopted state of New Hampshire, and

WHEREAS, during her productive lifetime, Mildred S. Ingram, among other notable accomplishments, was a mother of three, a model for Vogue Magazine, appeared on the Broadway stage, traveled far and wide, a member of the Massachusetts Society of Mayflower Descendants, President of the Acworth Historical Society, and a member of the Organization of Women Legislators, and

WHEREAS, Mildred S. Ingram was organizing Regent of two different chapters of the Daughters of the American Revolution, and a member of the Magna Carta Dames and Colonial Order of the Crown, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Mildred S. Ingram be saluted and paid high tribute for her energetic and loyal service as an elected member of the New Hampshire General Court, and for her determination and courage of her convictions, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

INTRODUCTION OF GUESTS

Pat and Dianne Titus, children of former Representative Ingram.

COMMITTEE REPORTS (cont.)

HB 1142-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. Ought to Pass with Amendment.

This bill covers the systems that were left out last session by the Senate and needed to keep 5 million gallons of raw sewage a day out of the Merrimack River. Vote 12-5. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the construction of certain water treatment projects and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Construction of Sewage Treatment Projects. There is appropriated to the division of water supply and pollution control, department of environmental services, the sum of \$36,800,000 for the fiscal year ending June 30, 1989. This shall be a nonlapsing appropriation. The sum of \$29,500,000 shall be paid to the city of Manchester for the construction of the Manchester secondary treatment facility and the Manchester Cohas Brook interceptor; \$4,500,000 shall be paid to the town of Exeter for the construction of a secondary sewage treatment facility; \$1,000,000 shall be paid to the town of Monroe for the construction of a secondary sewage treatment facility; and \$1,800,000

shall be paid to the town of Swanzev for the construction of the North Swanzev sewer interceptors. Funds paid to municipalities for projects listed in this section shall be reduced by an amount equal to the amount of any federal grant funds which may become available for such projects.

2 Bonds Authorized. To provide funds for the appropriations made in section 1 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$36,800,000 and for said purpose may issue bonds and notes in the name of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made when due, after payment of the 5 percent local share of each project, from state aid grant funds appropriated to the division of water supply and pollution control, department of environmental services. The bonds shall be 20 year bonds.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

The bill, as amended, appropriates \$36,800,000 for the construction of 5 sewage treatment projects in Manchester, Exeter, Monroe and Swanzev. The funds are to be raised through 20 year bonds, with the principal and interest on the bonds to paid for with 5 percent local funds and 95 percent state funds. Funds paid for such projects shall be reduced by an amount equal to the amount of any federal funds which may become available for such projects.

Amendment adopted.

Rep. LaMott yielded to questions.

Ordered to third reading.

HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes. Ought to Pass.

The Committee feels that the funding on this bill is appropriate and adequate. The total general fund expenditure is recommended at \$442,416 and the Appropriations Committee supports this amount. Vote 18-0. Elizabeth Hager for Appropriations.

Ordered to third reading.

HB 1163-FN-A, relative to nursing home care costs paid by counties. Ought to Pass.

It was the unanimous recommendation of the Committee that this bill should pass. The Committee believes as it did last session that the state must improve its support to county nursing homes. Prior to 1981, for every \$1.00 spent, the federal government paid 60¢, the state 20¢ and the county 20¢. Now in 1988 the federal government pays 50¢, the state 19.25¢ and the counties 30.75¢ for every \$1.00 spent. This bill would increase the state share to 22.5¢ and reduce the county share to 27.5¢ and thereby reduce the burden on the local property taxpayer. This bill will require an appropriation of \$2,318,553 in the supplemental budget HB 1129. Vote 17-0. Rep. Ellen-Ann Robinson for Appropriations.

Ordered to third reading.

HB 1185-FN-A, establishing a program of worker safety and health education within the department of labor. (A) Ought to Pass with Amendment.

This bill provides a worker safety program in the Department of Labor in cooperation with Public Health Division. It is funded at \$50,000. Vote 14-3. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend RSA 281:57, III as inserted by section 1 of the bill by replacing it with the following:

III. Each carrier and self-insurer, including the state, shall make payments to the fund of its prorata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw his warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The prorata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no carrier or self-insurer shall pay an assessment of less than \$50. The commissioner shall assess each carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed 1/4 of one percent of the total compensation, including medical benefits, paid by all carriers and self-insurers during the fiscal year which ended in the previous calendar year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The labor commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

Amend the bill be replacing all after section 5 with the following:

6 Additional Personnel. The department of labor, inspection division, is hereby authorized to hire a training coordinator at labor grade 20. The appropriation for this position is included in section 7 of this act.

7 Appropriation; Department of Labor. Amend 1987, 400:1.02, 12, 02 to read as follows:

02 Administration of justice and public protection

12 Department of labor

02 Inspection division

		<u>FY 88</u>	<u>FY 89</u>
10 Personal services - permanent	269,180	[300,080]	
		321,823	
20 Current expenses	7,646	[8,795]	
		12,391	
30 Equipment	21,325	[13,800]	
		32,360	
50 Other personal services	3,247	2,672	
60 Benefits	56,760	[66,219]	
		71,059	
70 In-state travel	15,887	[16,387]	
		17,391	
80 Out-of-state travel	3,525	3,525	
Total	377,570	[411,478]	461,221
Estimated source of funds for Inspection division			
General fund	377,570	[411,478]	461,221
Total	377,570	[411,478]	461,221

8 General Fund Reimbursed. The additional \$49,743 appropriation to PAU 02, 12, 02 for fiscal year 1989 provided in section 7 of this act shall be reimbursed to the general fund after the labor commissioner makes his first assessment under the fund established in section 1 of this act.

9 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by this act.

10 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, establishes a program of worker safety and health education in the department of labor, inspection division. The function of the program shall be to provide educational services to persons concerning the prevention of occupational diseases and injuries.

The bill, as amended, provides that the services under this program shall be coordinated with services provided by the division of public health services under RSA 140 and RSA 141-B.

To pay the costs incurred by the program, the bill establishes a special fund in the office of the state treasurer to be administered by the labor commissioner. The money in the fund shall be disbursed upon written order of both the labor commissioner and the commissioner of administrative services in accordance with a budget approved by the general court.

Under this bill, carriers and self-insurers, including the state, shall pay into the fund on a computed prorata share of one fiscal year's costs to be appropriated out of the fund.

The bill appropriates \$49,743 to the labor department for the purposes of this bill.

The bill, as amended, requires that the general fund be reimbursed for the \$49,743 appropriation after the labor commissioner makes his first assessment of the special fund created under this bill.

Amendment adopted.

Ordered to third reading.

HB 758-FN, establishing a committee to study the juvenile justice system and juvenile delinquency. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: This bill creates a seventeen-member committee to examine the Juvenile Justice System and make its report to the Governor, the Speaker of the House and the President of the Senate by May 1, 1989. The amendment changes RSA 628:1 to read as follows: "A person less than thirteen years old is not criminally responsible for his conduct, but may be judged to be a juvenile delinquent." The charge extends the age from fifteen to thirteen at which a court may consider the option of trying a person as an adult for felony crimes. Vote 11-5. Rep. Robert A. Lockwood for the Majority of Children, Youth and Elderly Affairs.

MINORITY: The minority of the Committee believes that there are parts of the Juvenile Justice System which need careful study and possible changes, and support HB 758. The minority of the Committee is strongly opposed to the amendment which lowers the age, presently at 15 years, to age 13 at which a child may be certified and tried as an adult criminal offender for any criminal offense. The amendment preempts the purpose of the study committee created in the bill before it even has a chance to do its work. The amendment sends a clear message that New Hampshire's kids are bad and are expected to get worse. On the contrary, New Hampshire juvenile arrests have declined significantly over the last 10 years. The minority urges defeat of the amendment and passage of the bill. Rep. Monte D. Rehlander for the Minority of Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.

Amend the bill by replacing all after section 4 with the following:

5 Duties; Report. The committee shall study the New Hampshire statutory provisions relative to juvenile justice and delinquency, with emphasis on procedural processes, and the minimum age at which a person should be held criminally responsible for serious offenses. The committee shall make appropriate recommendations as to any statutory changes which would address the needs of juvenile offenders. Secretarial and staff assistance shall be provided by the house of representatives. The committee shall prepare a report describing its determination and recommendations. Copies of this report shall be delivered to the governor, the speaker of the house of representatives, and the president of the senate by May 1, 1989.

6 Immaturity. Amend RSA 628:1 to read as follows:

628:1 Immaturity. A person less than [15] 13 years old is not criminally responsible for his conduct, but may be adjudged to be a juvenile delinquent.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a study committee to examine New Hampshire's juvenile justice system and make recommendations by May 1, 1989, to the governor and legislature as to possible statutory changes.

The bill also lowers, from 15 to 13, the age at which an individual may be held criminally liable for his conduct.

Amendment adopted.

Rep. Lozeau offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.

Amend the bill by replacing all after section 4 with the following:

5 Duties; Report. The committee shall study the New Hampshire statutory provisions relative to juvenile justice and delinquency, with emphasis on procedural processes, and the minimum age at which a person should be held criminally responsible for serious offenses. The committee shall make appropriate recommendations as to any statutory changes which would address the needs of juvenile offenders. Secretarial and staff assistance shall be provided by the house of representatives. The committee shall prepare a report describing its determination and recommendations. Copies of this report shall be delivered to the

governor, the speaker of the house of representatives, and the president of the senate by May 1, 1989.

6 Immaturity. Amend RSA 628:1 to read as follows:

628:1 Immaturity.

I. Except as provided in paragraph II, a person less than 15 years old is not criminally responsible for his conduct, but may be adjudged to be a juvenile delinquent.

II. A person 13 years of age or older may be held criminally responsible for the following offenses if his case is transferred to the superior court under the provisions of RSA 169-B:24:

(a) First degree murder as defined in RSA 630:1-a.

(b) Second degree murder as defined in RSA 630:1-b.

(c) Manslaughter as defined in RSA 630:2.

(d) Kidnapping as defined in RSA 633:1.

(e) Aggravated felonious sexual assault as defined in

RSA 632-A:2.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a study committee to examine New Hampshire's juvenile justice system and make recommendations by May 1, 1989, to the governor and legislature as to possible statutory changes.

The bill also provides that in cases of the crimes listed in the bill, the age of immaturity is under 13 years.

Rep. Lozeau explained the amendment and yielded to questions.

Reps. Rodeschin and Robert Jones spoke against the amendment.

Rep. Alf Jacobson spoke to the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 165 NAYS 143

YEAS 165

BELKNAP: Bowler, Jensen, Locke, Maviglio, Thurston and Wixson.

CARROLL: Kenneth MacDonald and Olímpio.

CHESHIRE: Clark, Cole, Daschbach, Delano, Daniel Eaton, Hunt, LaMar, Matson, Miller, Morse, Perry and Schwartz.

COOS: Harold Burns, Guay, Lemire, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Blair, Chambers, Copenhaver, Densmore, Guest, Wayne King, LaMott, Rounds, Scanlan and Whitcomb.

HILLSBOROUGH: Alukonis, Baldizar, Bass, Bowers, Buckley, Burkush, A. Leslie Burns, Chretien, Cid, Cowenhoven, Cox, Donovan, Drolet, Dube, Durant, Dykstra, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Gureckis, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Long, Lown, Lozeau, McRae, Messier, Moore, Robert Murphy, Nixon, O'Rourke, Packard, Paquette, Perham, Pignatelli, Reidy, Ellen-Ann Robinson, Routhier, Schneiderat, Shriver, Leonard Smith, Soucy, Stonner, Sullivan, Tarpley, Turgeon, Vanderloek, Ware and Zajdel.

MERRIMACK: Bardsley, Beaton, James Chandler, Dunn, Fillion, Fraser, Gross, Hayes, Hess, Alf Jacobson, Lewis, Nichols, Pantzer, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Tupper, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, William Boucher, Carpenito, Cushing, Drake, Ellyson, Flanagan, Beverly Gage, Haynes, Hollingworth, Robert Johnson, Phyllis Katsakiores, Roger King, Mace, McGovern, Merchant, Pevear, Popov, Read, Sanderson, Schmidtchen, Sherburne, Skinner, Vaughn, Walker, Welch and Wright.

STRAFFORD: Appleby, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Martling, William McCann, Pelley, Francis Robinson, Spear, Swope and John Young.

SULLIVAN: Behrens, D'Amante, Domini, Flint, Peyron and Sara Townsend.

NAYS 143

BELKNAP: Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Pearson, Lawrence Richardson, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Powers and Saunders.

CHESHIRE: Arnott, Blacketor, Foster, Frink, Irvin Gordon, Grodin, Parker, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Horton, Kilbride, Marsh and Mayhew.

GRAFTON: Bean, Christy, Dearborn, Driscoll, Hammond, Lougee, McAvoy, Wadsworth, Ward and Weymouth.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Beaupre, Bourque, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Ducharme, Clyde Eaton, Joseph M. Eaton, Granger, Grip, Guilbert, Robert Kelley, Alice Knight, Kurk, Leclerc, Levesque, Mason, Bonnie McCann, McGlynn, Morrisette, Prestipino, Rodgers, Sallada, Stiles, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, Gilbreth, George E. Gordon, Mary Holmes, Kidder, Lockwood, Millard and Phelps.

ROCKINGHAM: Barnes, Benton, Butler, Marilyn Campbell, Conroy, Cooke, Cressy, Felch, Fesh, Harry Flanders, John Flanders, Thomas Gage, Elizabeth Greene, Hoar, Klemarczyk, Lovejoy, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Rosencrantz, Schwaner, Scott, Seward, Sochalski, Tilton, Tufts, Warburton, Weddle and Wells.

STRAFFORD: Bates, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Robert Jones, Musler, Parks, Proulx, Ann Torr, Wall and Wilson.

SULLIVAN: Brodeur, Cutting, Krueger, Lindblade, Normandin, Rodeschin, Schotanus and Spaulding, and the amendment was adopted.

Rep. Weddle notified the Clerk that he inadvertently voted nay and meant to vote yea.

Ordered to third reading.

HB 981-FN, relative to renting video cassettes to minors and requiring proof of age for admission of minors to movies. Ought to Pass with Amendment.

This bill makes it a violation for any person to knowingly rent or sell to a minor any video cassette with a rating higher than PG-13, unless the minor is accompanied by an adult. Proof of age for

renting or buying video products is required. Store owners are responsible for supervision of employees. The bill also requires movie theater owners to request proof of age from minors in movies rated higher than PG-13. Vote 14-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 571-D:1 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. "Person" means any individual, firm, association, partnership, or corporation which owns a business which:

(a) Rents or sells, for monetary consideration, video discs, video tapes, or video cassettes; or

(b) Sells admission tickets or passes, for monetary consideration, to premises where there is exhibited a motion picture.

Amend RSA 571-D:2 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Liability under this chapter shall be limited to persons defined under RSA 571-D:1, V. An employee or agent of such persons who commits an act giving rise to liability under paragraph I or paragraph II shall not be guilty of a violation under RSA 571-D:3. Instead, persons as defined under RSA 571-D:1, V shall be liable for the acts of their employees or agents.

Amend RSA 571-D:3 as inserted by section 1 of the bill by replacing it with the following:

571-D:3 Penalty. Any person who violates the provisions of this chapter shall be guilty of a violation.

AMENDED ANALYSIS

This bill makes it a violation for any person to knowingly rent or sell to a minor any video cassette with a rating higher than PG-13, unless the minor is accompanied by an adult. Proof of age for renting or selling such video cassettes is also mandatory. As amended, "person" is limited to owners of businesses, and such owners are liable for the acts of their employees and agents.

As amended, the bill also requires movie theater owners to request proof that patrons are not under age 18 before admitting them to movies rated higher than PG-13, unless the minor is accompanied by an adult. Violation of this provision is also punishable as a violation. As amended, movie theater owners are also liable for the acts of their employees and agents.

Rep. Robert Jones yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 1147-FN, prohibiting persons who have been convicted of child pornography, felonious physical assault on a minor, or any sexual assault, from engaging in activities relating to the care of children. Ought to Pass with Amendment.

This bill makes it a class A felony for a person who has been convicted of any felonious offense involving child pornography or felonious assault or of any sexual assault to take employment, or work as a volunteer, with children. Vote 15-1. Rep. Robert A. Lockwood for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 632-A:10, I as inserted by section 2 of the bill by replacing it with the following:

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child pornography, or of a felonious physical assault on a minor, or of any sexual assault, he knowingly undertakes employment or volunteer service involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type.

Amendment adopted.

Ordered to third reading.

HB 1202-FN, requiring additional reports to be filed with the insurance commissioner. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: There is no question that there is a clear need that concise information be made available to the insuring buying public as to the issues of "availability" and "affordability." This is of particular concern in areas such as day care insurance, medical malpractice and Liquor Law liability. During the course of the Committee's review, the sponsor's bill, a National Association of Insurance Commissioners' model bill and law from other jurisdictions were reviewed. None of these addresses that issue. This bill was the product of the Tort Reform Commission; but as the Committee understands, was met with only passive support by several members. The Committee recognizes a need, and will do something prior to the next legislative session to bring this issue before the insuring buying public. Vote 9-4. Rep. Bonnie B. Packard for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority of the Committee believes in the purpose of this bill, which is clear - to find out what the real facts are relative to claims of the industry over the past several months and years that it is losing money, that there is a "liability crisis," and that therefore, they can no longer provide liability insurance coverage to segments of New Hampshire's economy, and/or that exorbitant premium increases are justified and necessary. This is a bill which will require reporting of facts in these areas. Rep. Sara M. Townsend for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Sara Townsend moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Reps. Packard, Christy and Fraser spoke against the motion.

Reps. Bass and Alf Jacobson spoke in favor of the motion and yielded to questions.

Reps. George Gordon and Weymouth spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 247 NAYS 63

YEAS 247

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Holbrook, Jensen, Maviglio, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Gene Chandler, Dickinson, Hounsell and Saunders.

CHESHIRE: Arnott, Blacketor, Clark, Cole, Daschbach, Daniel Eaton, Foster, Frink, Hunt, LaMar, Matson, Miller, Morse, Perry, Pierce, William Riley, Sawyer, Schwartz and David Young.

COOS: Guay, Horton, Kilbride, Lemire, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Copenhaver, Dearborn, Densmore, Guest, Hammond, Wayne King, LaMott, Lougee, Rounds, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Baldizar, Bass, Beaupre, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Cid, Cox, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Dube, Ducharme, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Granger, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Leclerc, Levesque, Long, Lown, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, Nixon, O'Rourke, Paquette, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk and Zajdel.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, George E. Gordon, Hess, Mary Holmes, Alf Jacobson, Kidder, Lewis, Millard, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Tupper, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Blanchette, Butler, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Fesh, Flanagan, Harry Flanders, Beverly Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McGovern, McKinney, Merchant, Newell, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Simon, Skinner, Splaine, Sytek, Tufts, Vaughn, Walker, Weddle, Welch, Wellsand Wright.

STRAFFORD: Appleby, Bernard, Callaghan, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Martling, William McCann, Musler, Parks, Pelley, Francis Robirson, Spear, Ann Torr, Wall and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Normandin, Peyronand Sara Townsend.

NAYS 63

BELKNAP: Hawkins, Locke and Pearson.

CARROLL: Allard, Robert Holmes, Olimpio and Powers.

CHESHIRE: Delano, Irvin Gordon, Grodin and Parker.

COOS: Brady, Brungot, Harold Burns, Frederic Foss and Marsh.

GRAFTON: Christy, Driscoll, McAvoy and Scanlan.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Chretien, Cowenhoven, Drolet, Kurk, Packard, Rodgers, Stiles, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Fraser, Gilbreth, Hayes, Lockwood, Nichols, Pantzer and Phelps.

ROCKINGHAM: Benton, William Boucher, Felch, John Flanders, Thomas Gage, William F. McCain, Palumbo, Scott, Sochalski, Tilton and Warburton.

STRAFFORD: Bates, Dingle, Proulx, Swope and Wilson.

SULLIVAN: Flint, Krueger, Lindblade, Rodeschin, Schotanus and Spaulding, and the motion was adopted.

Question now being on the substitute motion, Ought to Pass.
Ordered to third reading.

Reps. Palumbo and Chambers moved that SB 256 be taken up at the present time.

Adopted.

SB 256, relative to voting in special school districts. Ought to Pass with Amendment.

The Committee felt that the voters of the school district of Lisbon should have the opportunity to vote a solution to the school district issue. Vote 11-1. Rep. Robert H. Guest for Education.

Amendment

Amend RSA 194:37, II, as inserted by section 1 of the bill by replacing it with the following:

II. Any special district or pre-existing special district may vote by warrant article presented at the annual meeting of the school district of which the special district is a part. Only legally registered voters within the boundaries of the special district may vote on the warrant article. Such warrant articles shall be placed on school district warrants in accordance with RSA 197:6.

AMENDED ANALYSIS

This bill, as amended, provides that votes to dissolve a special school district may be held at an annual meeting of the school district of which it is a part. Only voters within the boundaries of the special district may vote on the question.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Weymouth moved that the rules be so far suspended as to place SB 256, relative to voting in special school districts, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Rep. Weymouth moved that SB 256, relative to voting in special school districts, be read a third time and passed.

Adopted.

Third reading and final passage

SB 256, relative to voting in special school districts.

RECESS

AFTER RECESS
(Speaker in the Chair)

COMMITTEE REPORTS (cont.)

The Speaker called for the Special Order.

HB 352-FN-A, relative to the return of revenue to cities and towns. (A) Inexpedient to Legislate.

Both the Committee and the division, to which HB 352-FN-A was referred, agonized over the appropriate recommendation to make on this bill. Although the sponsor offered an amendment (adopted by the Committee) which would remove any necessity for an appropriation in the current biennium, this still left in place a formula by which revenue sharing appropriations in future years would rise (and, within limits fall) with changes in state general fund revenues. A majority did not feel it was wise to pass the bill at this time even with the amendment and two major reservations were cited.

1. The Committee is recommending many millions of additional dollars for cities, towns and counties in other bills in such vital areas as nursing homes, education aid and water pollution projects.

2. These new programs will involve continuing commitments of state funding. Under these circumstances a majority of the Committee did not feel it was fair to raise the expectations of the towns and cities for the next biennium without a guarantee that funds would be available to fulfill its pledge. Since no appropriation would be made in this biennium in any case, a majority of the Committee preferred to wait and see. However, it was a close vote 10-8. Rep. Caroline L. Gross for Appropriations.

Rep. Kurk moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Gross and Palumbo spoke against the motion.

Rep. Densmore spoke in favor of the motion and yielded to questions.

Reps. Jean and Hager spoke in favor of the motion.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

A roll call was requestesd. Sufficiently seconded.

YEAS 208 NAYS 110
YEAS 208

BELKNAP: Bolduc, Bowler, Dexter, Golden, Hawkins, Jensen, Pearson, Randall, Lawrence Richardson, Vogler and Wixson.

CARROLL: Dickinson, Robert Holmes and Saunders.

CHESHIRE: Arnott, Blacketor, Clark, Cole, Daschbach, Daniel Eaton, Frink, Irvin Gordon, Hunt, LaMar, Matson, Pierce, William Riley, Schwartz and David Young.

COOS: Brungot, Guay, Horton, Kilbride, Lemire, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Chambers, Copenhagen, Densmore, Guest, McAvoy, Rounds, Wadsworth and Ward.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Beaupre, Bourque, Bowers, Buckley, Burkush, Cowenhoven, Cox, Daigle, Gerard Desrochers, Domaingue, Donovan, Dube, Ducharme, Durant, Dykstra, Frank, Ruth Gage, Genest, Scott Green, Grip, Guilbert, Gureckis, Marian

Harrington, Hatch, Holden, Chris Jacobson, Michael Jones, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Kurk, Leclerc, Levesque, Long, Low, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Nixon, O'Rourke, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Reardon, Reidy, Sallada, Schneiderat, Shriver, Soucy, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Ware and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, James Chandler, Dunn, George E. Gordon, Hager, Hayes, Alf Jacobson, Pantzer, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Barnes, William Boucher, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Flanagan, Harry Flanders, Hoar, Hollingworth, Joyce, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Mace, Magoon, McGovern, McKinney, Merchant, Newell, Pevear, Popov, Read, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Sherburne, Simon, Splaine, Vaughn, Walker, Weddle and Wright.

STRAFFORD: Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, William McCann, Musler, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Wall and John Young.

SULLIVAN: Behrens, Brodeur, D'Amante, Domini, Flint, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 110

BELKNAP: Richard Campbell, Holbrook, Locke, Maviglio, Thurston and Turner.

CARROLL: Allard, Gene Chandler, Russell Chase, Hounsell, Kenneth MacDonald, Olimpio and Powers.

CHESHIRE: Delano, Foster, Grodin, Miller, Morse, Parker, Perry and Sawyer.

COOS: Brady, Harold Burns, Frederic Foss, Marsh and Purrington.

GRAFTON: Christy, Dearborn, Driscoll, Hammond, LaMott, Lougee, Scanlan, Weymouth and Whitcomb.

HILLSBOROUGH: Bass, A. Leslie Burns, Chretien, Cid, Paul Dionne, Drolet, Clyde Eaton, Fields, Nancy Ford, Granger, Healy, Robert Kelley, Lefebvre, Robert Murphy, Ellen-Ann Robinson, Rodgers, Routhier, Leonard Smith, Steiner, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Bardsley, Laurent Boucher, Fillion, Gilbreth, Gross, Mary Holmes, Kidder, Lewis, Lockwood, Millard, Nichols and Phelps.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Benton, Butler, Cooke, Drake, Ellyson, Felch, Fesh, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Robert Johnson, George Katsakiores, Maurice MacDonald, Malcolm, William F. McCain, Palumbo, Parr, Ritzo, Scott, Seward, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Warburton, Welch and Wells.

STRAFFORD: Appleby, Bates, Robert Jones, Martling and Wilson.

SULLIVAN: Cutting, Krueger and Peyron, and the motion was adopted.

Rep. Hager offered an amendment.

Amendment

Amend RSA 31-A:4, II as inserted by section 2 of the bill by replacing it with the following:

II. In no event shall the amount distributed be less than \$51,444,966 nor shall any increase in one year exceed 8 percent of the prior year's distribution.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 1989.

Rep. Hager explained the amendment.

SUSPENSION OF RULES

Rep. Gross moved that the House suspend the rule that requires 7 copies of the amendment be delivered to the Clerk.

Adopted by the necessary two-thirds.

Question now being on the adoption of the Hager amendment.

Rep. Densmore spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 645-FN, relative to school building aid. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: This bill, as amended, would increase building aid to local school districts from 30% of principal to 40% of principal payments. The Committee believes strongly that given the growth in school age population, the state must increase its support for school building construction. There was strong support from the public during the public hearing on the bill to change the Municipal Finance Act to require a 55% vote in favor of a bond issue over \$100,000 for school construction only. Vote 9-6. Rep. E. Jane Walker for the Majority of Education.

MINORITY: The minority is opposed to the amendment of this bill. In Committee, the amendment passed by only 1 vote (8-7). A bond issue is a long-term community debt and should be decided by a 66-2/3% vote. The concept of lowering the bond vote requirement has far-reaching financial implications for every community, and should be studied and decided in a separate bill on its own merits. Reps. Karen O. Wadsworth, Mable G. Cutting, Jacquelyn Domaingue and Arthur Tufts for the Minority of Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to school building aid and to bonds or
notes issued by municipal corporations.

Amend the bill by replacing section 2 with the following:

2 Vote on Bonds. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city, shall be authorized by a vote by

ballot of 2/3; [and] the issue of tax anticipation notes, by a vote of a majority; *and the issue of bonds or notes for school purposes, by at least a 55 percent majority*; of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose[; provided, however, that]. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote thereat, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting and provided further that the warrant for such special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting thereof. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date thereof. Every warrant shall be deemed to have been duly served or posted, if the return thereon shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority thereof, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed thereto. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale thereof, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill increases the minimum amount of school building aid from 30 percent of the principal to 40 percent of the principal on all outstanding building or construction borrowings of a school district.

The bill also provides that the issue of bonds or notes for school purposes requires at least a 55 percent majority vote for approval.

Reps. Hounsell and Grodin spoke against the amendment.

Reps. Walker and Ellen-Ann Robinson spoke in favor of the amendment.

Rep. Tufts spoke against the amendment and yielded to questions.

Rep. Guay moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 56 NAYS 265

YEAS 56

BELKNAP: Bolduc, Bowler, Maviglio and Turner.

CARROLL: None.

CHESHIRE: Foster, William Riley and Schwartz.

COOS: None.

GRAFTON: Arnesen, Chambers, Copenhaver, Dearborn, Densmore and Guest.

HILLSBOROUGH: Ahern, Buckley, Dube, Nancy Ford, Cornelius Keane, Donna Kelly, Long, McGlynn, Nixon, O'Rourke, Pignatelli, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Tarpley and Vanderlosk.

MERRIMACK: Bardsley, Beaton, Fillion, Fraser, Pantzer, Walter Robinson, Wallner and Yeaton.

ROCKINGHAM: Cushing, Read, Rosencrantz, Sanderson, Seward, Skinner, Walker, Weddle and Wells.

STRAFFORD: Jean, Sandra Keans, Kincaid, Pelley, Francis Robinson, Wall and Wilson.

SULLIVAN: Flint and Krueger.

NAYS 265

BELKNAP: Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Thurston, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Blacketor, Clark, Cole, Daschbach, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Bean, Christy, Driscoll, Hammond, LaMott, Lougee, McAvoy, Rounds, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Baldizar, Bass, Beaupre, Bourque, Bowers, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cowenhoven, Cox, Daigle, Paul Dionne, Domaingue, Donovan, Drolet, Ducharme, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Granger, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Healy, Holden, Chris Jacobson, Michael Jones, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Lefebvre, Levesque, Lown, Mason, Bonnie McCann, McRae, Messier, Moore, Morrisette, Packard, Pappas, Paquette, Pariseau, Perham, Prestipino, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Soucy, Stiles, Stonner, Sullivan, Turgeon, Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, James Chandler, Dunn, Gilbreth, George E. Gordon, Gross, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Lockwood, Millard, Nichols, Phelps, Philbrick, Provencal, Rehlander, Gerald Smith, Stio, Tupper and Whitemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Merchant, Newell, Palumbo, Parr, Pevear, Popov, Ritzo, Schmidtchen, Schwaner, Scott, Sherburne, Simon, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Robert Jones, Kinney, Koromilas, Lachance, Martling, William McCann, Musler, Parks, Proulx, Spear, Swope, Ann Torr and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

Rep. Wells notified the Clerk that he inadvertently voted yea and meant to vote nay.

Rep. Walker spoke in favor of the report and yielded to questions.

Rep. Hounsell spoke to the report.

Referred to Appropriations.

HB 886, relative to the board of trustees of the university system of New Hampshire. Ought to Pass.

The bill removes voting privileges on the University System Board of Trustees from the Chancellor of the University, and the Presidents of the University of New Hampshire, Keene State College, and Plymouth State College, all of whom SUPPORT the bill on the ground of conflict of interest. Vote 10-1. Rep. William A. Riley for Education.

Ordered to third reading.

HB 905, relative to surrogate parents appointed for educationally handicapped children. Ought to Pass.

This bill will expedite the process of assigning a surrogate for an educationally handicapped child. The Department of Education sees this as a very positive step. Vote 11-1. Rep. Edmund M. Keefe for Education.

Ordered to third reading.

HB 1138-FN, relative to the powers of the board of education of the union school district of Keene. Inexpedient to Legislate.

The Committee felt that the question of changing the form of the Union School District of Keene from a current school board of the union to the Board of Education. This can be done now at the annual meeting. Vote 9-2. Rep. Linda D. Long for Education.

Rep. Arnott moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Tufts and Hounsell spoke to the report.

Motion lost.

Resolution adopted.

HB 1201, authorizing school districts to teach New Hampshire's cultural heritage and ethnic history in school. Ought to Pass.

The majority of the Committee on Education felt that the encouragement of ethnic history of New Hampshire is important. Vote 10-4. Rep. Linda D. Long for Education.

Ordered to third reading.

HB 1159-FN, providing for the disposal of fly ash by towns in solid waste management districts. Ought to Pass with Amendment.

The bill, as amended, legalizes the action of the towns included in the Southeast Regional Refuse Disposal District. Vote 17-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the Southeast Regional Refuse Disposal District.

Amend the bill by replacing all after the enacting clause with the following:

1 Southeast Regional Refuse Disposal District Agreement Legalized. The district agreement adopted pursuant to RSA 53-B by the city of Portsmouth and the towns of Brentwood, Danville, East Kingston, Exeter, Fremont, Hampton, Hampton Falls, Kensington, Newcastle, Newton, North Hampton, Rye, Sandown, and South Hampton, and all actions taken by the municipal governments or municipal officials of said city and towns under such agreement, are legalized, ratified, and confirmed. The Southeast Regional Refuse Disposal District Agreement is adopted to implement the solid waste disposal responsibilities of the member municipalities under RSA 149-M. All terms, conditions, and provisions of the agreement shall be legal, valid, and binding in all respects on each member municipality, and any municipality which adopts the agreement after the effective date of this act.

2 Status of District. The district is declared to be, from and after the date of its formation on December 17, 1987, a body politic and corporate, and a political subdivision and public instrumentality of the state of New Hampshire carrying out a public purpose and an essential governmental function of the state of New Hampshire, and, as such, is a legal entity for the purposes of undertaking cooperative action under RSA 53-B.

3 Net Indebtedness. RSA 33 shall not apply to the district or to the debts or obligations incurred by the district. No debts or obligations of any member municipality to the district or incurred under the district agreement shall be included in the "net indebtedness", as said term is defined in RSA 33, of any such member municipality.

4 Powers and Duties.

I. The district shall have all the powers enumerated in RSA 53-B:7. Notwithstanding RSA 53-B:7, IV, the district shall incur debt and make decisions on long-term financing pursuant to section 4, paragraph X of Appendix D of the agreement.

II. The district shall divide the funds paid by member municipalities under the agreement according to the program options selected by each member municipality under the terms of the agreement.

III. The district shall have all other powers granted the district pursuant to the agreement.

5 Prior Obligations. Nothing in this act shall impair any obligation incurred or agreement entered into by the district after the date of its formation and prior to the effective date of this act, and all such obligations and agreements shall be entitled to the benefit of this act.

6 Severability. If any provision of this act or the application thereof to any person or circumstances is held to be invalid, the invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are severable.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill legalizes the regional refuse disposal district agreement adopted by Portsmouth and 14 neighboring towns. The bill authorizes the district to exercise all powers granted such districts under RSA 53-B.

Amendment adopted.

Ordered to third reading.

HB 801-FN, relative to composition of the dental board. Ought to Pass with Amendment.

The Committee felt the Board of Dental Examiners needed an additional dental hygienist to help with the licensing of dental hygienists. The Committee also felt that an even number of members on the Board was unacceptable and there was testimony that a public member should be added. The Committee then recommends adding one public member and one dental hygienist to the Dental Board. Vote 15-2. Rep. Robert S. Hawkins for Executive Departments and Administration.

Amendment

Amend RSA 317-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a board of dental examiners consisting of [7] 9 members; including 5 dentists, [one] 2 dental [hygienist] *hygienists*, and [one] 2 public [member] *members*, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amend the bill by replacing section 5 with the following:

5 Staggered Terms. The terms of the 2 additional board members provided for under RSA 317-A:2, I as amended by section 1 of this act shall be staggered so that one member shall serve an initial term of 4 years, and the other shall serve a full 5 year term.

AMENDED ANALYSIS

The bill increases the membership of the board of dental examiners from 7 to 9 members, adding one dental hygienist and one public member. It increases from 3 to 5 the number of members necessary for a quorum.

Amendment adopted.

Ordered to third reading.

HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system. Ought to Pass with Amendment. This bill includes probation/parole officers in group II, provided that the Police Standards and Training Council shall approve training, qualification and certification standards for probation/parole officers, and that conformance to these standards shall be made a job requirement. If this is not done by July 1, 1988, the bill has no effect. Vote 10-7. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Definition; Permanent Policeman. RSA 100-A:1, VII is repealed and reenacted to read as follows:

VII. "Permanent policeman", for the purposes of membership in group II and other provisions of this chapter, shall mean any person, whether elected or appointed, who is regularly employed on a full-time base by the state in a job certified by the director of personnel as conforming to the requirements of this paragraph, or by any of its political subdivisions in a job certified by the governing body of the political subdivision as conforming to the requirements of this paragraph, which job shall be in one of the following categories:

(a) A police officer, conservation officer of the fish and game department, or inspector of the state liquor commission who:

(1) Is responsible for the prevention, detection or prosecution of crime and the enforcement of the laws of the state and of its political subdivisions;

(2) Has full general arrest powers;

(3) As a job requirement is fully certified as a police officer by the New Hampshire police standards and training council; and

(4) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as a police officer that may be established by the certifying authority.

(b) Correctional line personnel employed in the department of corrections who:

(1) Work within a correctional facility in close and immediate contact with prisoners on a daily basis and have responsibility for security;

(2) As a job requirement are fully certified as correctional personnel by the commissioner of corrections after successful completion of a course of training approved by the police standards and training council; and

(3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as correctional personnel that may be established by the certifying authority.

(c) Correctional line personnel employed in a county correctional facility who:

(1) Work within a correctional facility in close and immediate contact with prisoners on a daily basis and have responsibility for security;

(2) As a job requirement are fully certified as correctional personnel by the New Hampshire Association of Counties after successful completion of a course of training approved by the police standards and training council;

(3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as correctional personnel that may be established by the certifying authority; and

(4) Are employed by a county which has elected to transfer correctional line personnel from group I to group II under RSA 100-A:20, III.

(d) A probation and parole officer employed full-time in the department of corrections who:

(1) Has close and immediate contact with felons on a regular basis;

(2) As a job requirement is fully certified as a probation and parole officer after successful completion of a course of training approved by the police standards and training council; and

(3) As a job requirement, meets all physical, mental, educational and other qualifications for continuing certification as a probation and parole officer that may be established by the police standards and training council.

3 Application.

I. The provisions of section 1 or section 2 of this act shall be effective upon completion of both of the following:

(a) Notification by the director of the police standards and training council to the board of trustees of the New Hampshire retirement system that a certified training program for probation and parole officers has been established; and

(b) Notification by the commissioner of corrections to the board of trustees of the New Hampshire retirement system that such

training program has been made a job requirement for probation and parole officers, to be completed within one year by all incumbent probation and parole officers and within a reasonable period not to exceed one year after the date of hire by all persons who become probation and parole officers after the program is established.

II. The director and the commissioner shall have until July 1, 1988, to make such notifications to the board of trustees. If such notifications are not complete by July 1, 1988, the provisions of this act shall not take effect.

III. The provisions of this act, when effective, shall apply prospectively to probation and parole officers who are now members of group I in the New Hampshire retirement system, and such persons upon retirement shall be entitled to receive split benefits as provided in RSA 100-A.

4 Contingent Provision. If HB 1066-FN-A, an act relative to group II of the New Hampshire retirement system and making an appropriation therefor, of the 1988 regular session of the general court becomes law, section 1 of this act shall not take effect. If HB 1066-FN-A does not become law, section 2 of this act shall not take effect.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

As amended, this bill includes full-time probation and parole officers employed in the department of corrections in group II of the New Hampshire retirement system, if the director of the police standards and training council notifies the retirement system board of trustees by July 1, 1988, that a certified training program for such officers has been established, and if the commissioner of corrections also notifies the board by that date that the training program has been made a job requirement for probation and parole officers.

Question being on the Committee amendment, a division was requested.

187 members having voted in the affirmative and 97 in the negative, the amendment was adopted.

Rep. Hawkins yielded to questions.

Rep. Sytek spoke in favor of the report.

Referred to Appropriations.

HB 1126-FN, relative to the moose management program. Inexpedient to Legislate.

This bill would remove from the Fish and Game Department the authority to conduct a moose hunt in this state. After extensive debate in 1985, the House, with the concurrence of the Senate, enacted RSA 208:1-a mandating a comprehensive moose management program and authorizing the Executive Director of the Fish and Game Department, with the consent of the Fish and Game Commission, to determine if or when there should be a moose hunt. That legislatively-mandated Moose Management Study has been underway for two years and the Fish and Game Department biologists report a thriving herd of about 4,000 moose which is expanding 19 percent per year. The Fish and Game Department has therefore recommended implementing a limited moose hunt this year. This hunt will be limited to specific regions and the total number of licenses will be limited to only 75. The hearing on this highly-emotional issue was well attended and produced strong testimony on both sides of the issue. The mail and phone calls were extensive. The determining factor in the Committee vote of 16-1 in favor of Inexpedient to Legislate was the belief that the reasoned views of the Fish and Game Department biologists should prevail in the management of our wildlife resources. Rep. Charles C. Vogler for Fish and Game.

Rep. Daniel Eaton moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

(Deputy Speaker Burns in the Chair)

Rep. Theriault spoke against the motion.

Thank you Mr. Speaker. I rise in opposition to the pending motion of Ought to Pass, and I'm one of the sixteen members of our Committee that voted against this bill, HB 1126. I will not be brief. I'm going to draw on a few statistics and I will try not to bore you. First of all, I know you people have been bombarded with calls and letters, arm-twisting and everything, so I will not try to do that. I will try to demonstrate a little bit of the background of the moose. First of all, a long, long time ago they were plentiful, but by 1850, and I don't think there were too many of us around, they became decimated, meaning that they killed them or got rid of them. Then in 1901, they decided to close the season. I hope we don't go by that route. Not to wait until we all get rid of them and then decide to close the season. Then, by 1950, there was an estimated 50 in population. That is not too many, but they were picking up. In 1977, there were approximately 500 of them around, mostly in the northern part of the country, Coos County, where I come from. Then in 1988, today, there are about 4,000, give or take a thousand, I can't really swear to it that there are 4,000 moose around, but there are quite a few. Let's put it this way, if you don't believe it, come up north there are plenty of them up there. Ten years ago, my good buddy, Sen. Lamontagne, introduced a moose bill. It went through the Senate, it hit the House and we killed it, and I was responsible for that because I didn't feel that it was time to get a moose hunt at that time. I felt that there were not enough moose around and we should wait. We did not know moose management then so we killed the bill. What made me change my mind this year was a little paragraph that I saw during our Executive Session and our Hearings. I will read it. Kristine Kline said this, and I quote. "Wise wildlife management does not wait until you have an over-population of animals. Once you have an over-population, the damage has been done, you have lost your habitat." That struck a chord in me and I felt that we should really have a moose season and we should manage the moose. In 1985, we mandated a bill, we passed a bill right in this House, to mandate the Fish and Game Department to have a moose management and to give permission to the Fish and Game Department to initiate a moose hunt in 1988. Now, can you imagine what is going to happen if we are going to do away with this. Let's say that we pass this bill, which I don't argue the point that they have good intentions, everybody has their own ideas that is what we are here to discuss, but can you imagine the mess it will create if we pass this bill. First of all, I would say about two weeks ago, the number of permits then was about 750, and I'm sure by now there must be close to a thousand. Can you imagine the trouble that we have to go through now to send that money back to the hunters? What kind of PR are we going to get out of that. They are going to say, what's going on there. For example, if you're planning a marriage and you invite two hundred people and then they decide not to get married, it would look foolish wouldn't it with all the gifts and all that, you would have to send it all back, that would be terrible. In conclusion, last week I met a nice old lady, I shouldn't say a nice old lady, but she was about my age, and she told me, Mr. Theriault, why do you want to kill a beautiful and smart animal as a moose. I didn't know what to answer on that, she surprised me. I got to thinking about it, beautiful, well that's anybody's own idea, I don't think a moose is very beautiful, I've seen better animals than that. As far as being smart, I wouldn't say that a moose is very smart. Let's face it ladies and gentlemen, first of all, they will not get off the road, they will be

licking salt right in the middle of the road and they will even try to mate a cow, can you imagine that. How stupid can you be. So, I will leave you with that good thought and I hope that you vote to kill the bill.

Rep. Gilbreth moved that the remarks of Rep. Theriault be printed in the Journal.

Adopted.

Rep. Tupper spoke in favor of the motion.

Reps. Kinney and Vogler spoke against the motion.

Rep. Rehlander spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker in the Chair)

A roll call was requested. Sufficiently seconded.

YEAS 91 NAYS 223
YEAS 91

BELKNAP: Golden and Maviglio.

CARROLL: None.

CHESHIRE: Clark, Cole, Daschbach, Daniel Eaton, LaMar, Matson, William Riley, Schwartz and David Young.

COOS: None.

GRAFTON: Arnesen, Chambers, Dearborn, Hammond, Rounds and Ward.

HILLSBOROUGH: Ahrens, Baldizar, Beaupre, Bowers, Buckley, A. Leslie Burns, Cox, Paul Dionne, Donovan, Drolet, Dube, Ducharme, Dykstra, Fields, Nancy Ford, Ruth Gage, Scott Green, Healy, Holden, Michael Jones, Donna Kelly, Leclerc, Lown, McRae, Packard, Pappas, Paquette, Pignatelli, Reardon, Ellen-Ann Robinson, Shriver, Stiles, Sullivan, Tarpley and Zajdel.

MERRIMACK: Asplund, Austin, Gross, Alf Jacobson, Pantzer, Philbrick, Rehlander, Tupper and Wallner.

ROCKINGHAM: Benton, Marilyn Campbell, Carpenito, Cooke, Beverly Gage, Hollingworth, Robert Johnson, Lovejoy, McGovern, Newell, Pevear, Popov, Read, Sanderson, Scott, Seward, Sherburne, Simon, Skinner, Tufts, Vaughn and Weddle.

STRAFFORD: Casey, Robert Jones, Martling, William McCann, Proulx and Francis Robinson.

SULLIVAN: Domini and Lindblade.

NAYS 223

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Hawkins, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Delano, Foster, Frink, Irvin Gordon, Grodin, Hunt, Miller, Morse, Parker, Perry, Pierce and Sawyer.

COOS: Brady, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Bean, Christy, Copenhagen, Densmore, Driscoll, Guest, LaMott, Lougee, McAvoy, Scanlan, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Bass, Bourque, Burkush, Champagne, Chretien, Cid, Cowenhoven, Daigle, Gerard Desrochers, Domaingue, Durant, Clyde Eaton, Joseph M. Eaton, Frank, Genest, Granger, Grip, Guilbert, Gureckis, Hatch, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Lefebvre, Levesque, Long, Mason, Bonnie McCann, McGlynn, Messier, Moore, Morrisette, Robert Murphy, Pariseau, Perham, Prestipino, Reidy, Rodgers, Routhier, Sallada, Schneiderat, Leonard Smith, Soucy, Stonner, Turgeon, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, Fraser, Gilbreth, George E. Gordon, Hager, Hayes, Mary Holmes, Kidder, Lewis, Lockwood, Millard, Nichols, Phelps, Provencal, Walter Robinson, Gerald Smith, Stio, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Blanchette, William Boucher, Butler, Conroy, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Magoon, William F. McCain, McKinney, Palumbo, Parr, Ritzo, Rosencrantz, Schmidtchen, Schwaner, Sochalski, Splaine, Sytek, Tilton, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Parks, Pelley, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Flint, Krueger, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

HB 1065-FN, placing a moratorium on a moose hunt. Inexpedient to Legislate.

The Committee strongly supports a harvest of the moose under controlled and very limited conditions as provided by the Fish and Game Department after years of study and data gathering. Also, after considerable sporting dollars and sportsmen's strong conviction to promulgate a severely depleted herd with the great program of the Game Division of Fish and Game. The herd is in danger of overbrowsing. A selective harvest is needed to more balance the numbers with the food supply. The bill is only a stall to allow more time to organize an anti-hunting movement. Vote 16-1. Rep. William P. Boucher for Fish and Game.

Rep. Dearborn moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Dickinson spoke against the motion.

Rep. William Boucher moved the previous question. Sufficiently seconded. Adopted.

Motion lost.

Resolution adopted.

HB 1166, relative to smoking in the workplace. Ought to Pass with Amendment.

This bill is intended to address a serious health problem for many workers in our state. HB 133, relative to smoking in the workplace, was enacted in the last session. It became apparent that the bill was so weak as to be virtually ineffective. HB 1166 clearly states that employees have the right to work in a smoke-free environment. This bill, as amended, requires that a ventilated smoking area be provided. If this is a financial or a physical hardship to provide, then there shall be no smoking. The Committee also added a penalty clause similar to that in HB 133, i.e. by not abiding by this statute a violation would be committed and subject to a fine of up to \$25. Present law already exempts the following: (1) a private home which may serve as a workplace; (2) any enclosed space leased or rented by an independent contractor; (3) a workplace occupied exclusively by smokers. The Committee is aware of the health hazards of smoking and is trying to establish a health policy to protect the workers in New Hampshire. Vote 11-8. Rep. Marion L. Copenhaver for Health and Human Services.

Rep. David Young moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment.

Reps. Alice Tirrell Knight and Dickinson spoke in favor of the motion.

Rep. Pappas spoke against the motion.

Rep. David Young spoke in favor of the motion and yielded to questions.

Rep. Copenhaver spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 200 NAYS 111

YEAS 200

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Pearson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Clark, Daschbach, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Miller, Morse, Pierce, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh and Oleson.

GRAFTON: Christy, Driscoll, Hammond, LaMott, Lougee, McAvoy, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Baldizar, Beaupre, Bowers, Buckley, A. Leslie Burns, Chretien, Cid, Domaingue, Drolet, Ducharme, Durant, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Granger, Grip, Gureckis, Hatch, Healy, Holden, Chris Jacobson, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Levesque, Lown, Mason, McRae, Messier, Morrisette, Robert Murphy, Packard, Paquette, Perham, Sallada, Shriver, Stiles, Stonner, Turgeon, Ware and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Bardsley, Laurent Boucher, James Chandler, Dunn, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hayes, Lockwood, Millard, Nichols, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Blanchette, William Boucher, Marilyn Campbell, Carpenito, Conroy, Cressy, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Haynes, Robert Johnson, George Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Newell, Palumbo, Parr, Schmidtchen, Schwaner, Scott, Sherburne, Simon, Skinner, Sytek, Tilton, Tufts, Vartanian, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Robert Jones, Sandra Keans, Koromilas, Lachance, Parks, Pelley, Francis Robinson, Swope, Ann Torr and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 111

BELKNAP: Maviglio and Lawrence Richardson.

CARROLL: Russell Chase and Robert Holmes.

CHESHIRE: Arnott, Cole, Foster, Hunt, LaMar, Matson, Parker, Perry and William Riley.

COOS: Harold Burns, Mayhew, Nelson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Chambers, Copenhagen, Dearborn, Densmore, Guest, Rounds and Scanlan.

HILLSBOROUGH: Ahern, Bass, Burkush, Champagne, Cowenhoven, Cox, Daigle, Gerard Desrochers, Paul Dionne, Donovan, Dube, Scott Green, Guilbert, Marian Harrington, Donna Kelly, Leclerc, Lefebvre, Long, Bonnie McCann, McGlynn, Moore, O'Rourke, Pappas, Pariseau, Prestipino, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Vanderlosk, Emma Wheeler and Zajdel.

MERRIMACK: Asplund, Austin, Beaton, Hager, Mary Holmes, Alf Jacobson, Lewis, Pantzer, Tupper and Wallner.

ROCKINGHAM: Benton, Butler, Cooke, Cushing, John Flanders, Elizabeth Greene, Hoar, Hollingworth, Joyce, Phyllis Katsakiores, Klemarczyk, Lovejoy, William F. McCain, McGovern, Merchant, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Sochalski, Splaine, Vaughn, Walker and Weddle.

STRAFFORD: Chamberlin, Kincaid, Kinney, Martling, William McCann, Proulx, Spear, Wall and Wilson, and the motion was adopted.
Resolution adopted.

HB 1204-FN, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a grant-in-aid program, administered by the Division of Mental Health and Developmental Services, to provide temporary emergency shelter for the homeless. Of the \$3,000,000 appropriated, \$2,000,000 is earmarked for the capital costs of providing the physical shelters themselves, with \$1,000,000 going toward operating expenses. The funds will be distributed to local non-profit organizations on an equal matching grant formula basis

after an administrative finding that the grant is for the public benefit. The amendment creates an emergency shelter commission made up initially of the members of the Task Force on Homelessness. The Commission shall operate purely as an advisory group, and suggestions that the Commission have an executive director and staff were firmly rejected because of the desire to avoid creating another self-perpetuating bureaucracy - the Division of Mental Health and Developmental Services feels that it is already adequately staffed to efficiently execute this grant-in-aid program. The bill, as amended, enacts a measured and responsible approach to the homeless problem, and assures that facilities will be encouraged in those localities where they are most needed. Vote 19-0. Rep. Timothy Bates for Health and Human Services.

Amendment

Amend section 1 of the bill by inserting after RSA 126-A:43-g the following new section:

126-A:43-h Emergency Shelter Commission.

I. There is hereby established an emergency shelter commission to advise the director of the division of mental health and developmental services on the program established under this subdivision.

II. The commission shall consist of 7 members and shall be composed as follows: 2 representatives or their designees appointed by the speaker of the house of representatives; 2 senators or their designees appointed by the president of the senate; the commissioner of health and human services, department of health and human services, or designee; one member from business and industry, appointed by the governor and council; and one member of the religious community appointed by the governor and council

III. Members of the commission shall serve for 2-year terms. Each member shall serve until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term. The members of the commission shall elect a chairperson from among their number. Members of the commission shall serve without compensation; however, the legislative members shall receive legislative mileage when performing the duties of the commission.

IV. The commission shall:

(a) Advise the director of the division of mental health and developmental services on any matter related to the emergency shelter program.

(b) Make a report on or before December 1 of each year to the speaker of the house of representatives, the president of the senate and the governor and council on its activities.

Amend the bill by replacing section 3 with the following:

3 Members of Task Force to Serve on Commission. The members of the task force on homelessness established by 1987, 113:2 on the effective date of this act shall serve as the initial appointees to the emergency shelter commission established in section 1 of this act. Of these initial appointees, the following shall serve a one-year term on the commission: one representative or designee appointed by the speaker of the house of representatives; one senator or designee appointed by the president of the senate; and the member from business and industry, appointed by the governor and council. The other members shall serve 2-year terms. Thereafter, all appointments shall be for 2-year terms, as provided in RSA 126-A:43-h, III.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill establishes an emergency shelter program for the purpose of making available additional emergency shelter facilities and maintaining them. Under this bill, the general court may specifically appropriate funds which are to be granted to private nonprofit organizations on an equal matching grant formula basis for use in renovating buildings for temporary emergency shelter facilities. These funds may also be used to provide additional beds, maintenance, and essential services for existing shelters.

The bill, as amended, establishes a commission to advise the director of the division of mental health and developmental services on matters relating to the emergency shelter program established under this bill. The initial members of the commission shall consist of the current members of the task force on homelessness established by 1987, 113:2.

The bill appropriates \$3,000,000 for the biennium to the division of mental health and developmental services, department of health and human services, for the purposes of this program.

Amendment adopted.

Referred to Appropriations.

HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations. Ought to Pass with Amendment. House Bill 237, as amended, provides immunity for acts of negligence that cause injury by volunteers of nonprofit organizations and government entities that engage in educational, athletic, cultural, etc. activities in the course of the performance of their activities. HB 237 also sets up a system of compensation for victims of volunteer activity through the establishment of a state fund drawn from a \$1 premium, 60% of which shall be deposited with the State Treasurer. Claims on the fund will be heard by the State Board of Claims. A cap of \$250,000 is placed on each claim. Vote 5-1. Rep. Alf E. Jacobson for the Special Committee on Judiciary and Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by the replacing it with the following:

AN ACT

limiting the civil liability of volunteers working on behalf of nonprofit organizations; establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Volunteers; Liability Limited. Amend RSA 508 by inserting after section 16 the following new sections:
508:17 Volunteers; Liability Limited.

I. Any volunteer of a nonprofit organization shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

- (a) The volunteer had prior written approval from the organization to act on behalf of the organization; and
- (b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and
- (c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

II. Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization against any volunteer of such organization.

III. Volunteer activity related to transportation or to care of the organization's premises shall be excepted from the provisions of paragraph I of this section.

IV. In this section:

(a) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage.

(b) "Nonprofit organization" means any not for profit organization, corporation, community chest, fund or foundation organized and operated exclusively for religious, cultural, charitable, scientific, literary, agricultural, or educational purposes, or to foster amateur competition in a sport formally recognized by the National Collegiate Athletic Association.

(c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity.

508:18 Compensation for Persons Damaged or Injured by Volunteer Activity. Any person injured by the negligence or fault of a volunteer as defined in RSA 508:17, IV may file a claim for compensation for such injury or damage with the board of claims as provided in RSA 400-A:39-a.

2 New Section; Coverage Requirements; Liability Coverage for Persons Damaged or Injured by Volunteer Activity. Amend RSA 412 by inserting after section 2-c the following new section:

412:2-d Coverage Requirements; Liability Coverage for Persons Damaged or Injured by Volunteer Activity.

I. Every liability policy issued or delivered in New Hampshire shall be subject to an additional annual premium of \$1 which shall be deposited as provided in paragraph II of this section, for the purpose of compensating any natural person damaged or injured by volunteer activity for which the volunteer is immune from civil liability under RSA 508:17, I.

II. Sixty percent of all additional premiums collected by insurers under paragraph I shall be delivered to the commissioner of insurers at such times as the commissioner may designate. The commissioner shall forward all such premiums delivered to him to the secretary of state to be deposited in the special fund established under RSA 400-A:39-a.

3 New Section; Establishment of Compensation Fund; Administration; Appeals. Amend RSA 400-A by inserting after section 39 the following new section:

400-A:39-a Special Insurance Compensation Fund; Administration; Appeals.

I. There is hereby established in the state treasury a fund for the purpose of paying claims of persons damaged or injured by volunteer activity as provided for in RSA 412:2-d, and as approved by the board of claims under paragraph IV of this section. The fund shall be administered by the commissioner. The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state. The state treasurer shall invest moneys in the fund in accordance with the prudent man rule and all earnings from such investments shall be made a part of the fund.

II. The state treasurer is authorized to disburse moneys from the fund upon the written order of the commissioner.

III. The commissioner shall annually prepare a report indicating the total amount of premiums paid, the number of claims made,

the number of claims approved by the board of claims, and the total of payments made.

IV. Any person who claims that he has been damaged or injured by volunteer activity may file a claim for damages directly with the board of claims, established in RSA 541-B. The board shall hold a hearing on each claim filed. The board shall have the powers granted it by RSA 541-B:10, I-III, in holding such hearings. The board may by unanimous action order a rehearing on any claim, if in its opinion there are sufficient equitable reasons that a rehearing should be granted, provided, however, that the board shall hold no rehearing on a claim after the board has authorized payment of such claim. Whenever the board of claims decides by a majority vote of board members present and voting to award payment to a claimant, the board shall notify the insurance commissioner. The commissioner shall make a written order to the state treasurer to disburse the money for the amount determined by the board to the claimant, from the special insurance compensation fund. The maximum amount which may be paid for each claim shall be \$250,000. The decision of the board shall be final, except for questions of law, which may be appealed to the supreme court.

V. Board of claims members shall receive \$30 per day plus expenses for hearing claims under paragraph IV of this section.

VI. The costs of the commissioner in administering the fund and of the board of claims in adjudicating claims under this section shall be charged to the special insurance compensation fund.

4 New Subparagraph; Special Fund Established. Amend RSA 6:12, I by inserting after subparagraph (w) the following new subparagraph:

(x) The money received under RSA 412:2-d, II, which shall be credited to the special insurance compensation fund established under RSA 400-A:39, I.

5 New Section; Cross-Reference; State Board of Claims Chapter. Amend RSA 541-B by inserting after section 20 the following new section:

541-B:21 Compensation; Claimants Against Volunteers. In addition to claims against the state, the board shall also hear and decide claims against volunteers pursuant to RSA 508:18 and RSA 400-A:39-a. In deciding claims against volunteers, the board shall not be subject to the provisions of RSA 541-B:9, 541-B:10, IV, or 541-B:11-20.

6 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, provides that volunteers for nonprofit organizations shall be immune from civil liability for damage or injury resulting from their volunteer activities, under certain circumstances.

This bill establishes a special insurance compensation fund to pay claims for compensation filed by any person injured by a volunteer's negligent activity. This fund is to be administered by the insurance commissioner. The state board of claims shall determine whether claims shall be paid and the amounts to be paid from the fund. The maximum amount which may be awarded for each claim shall be \$250,000. Board of claims members shall be paid \$30 per day plus expenses for hearing such claims. All expenses of administering the fund and adjudicating claims shall be paid from the fund.

Rep. Alf Jacobson yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 805, relative to manslaughter. Inexpedient to Legislate.

The bill would work out one area of the law in which the burden of persuasion would shift. The Committee is of the opinion that making

such an exception would be inappropriate since the ramifications of the change were unclear. Vote 10-5. Rep. David E. Cote for Judiciary.

Resolution adopted.

HB 943-FN, allowing the court to grant drivers' licenses conditional upon the use of ignition interlock breath alcohol devices after certain DWI license revocations. Ought to Pass with Amendment. The bill allows the court to be petitioned by a DWI second offender after 18 months for a conditional license if he can prove he has been rehabilitated, has not been at fault for a motor vehicle accident in the past 5 years and he can show no public transportation is available. The purpose of this license would be for work or educational purposes. The temporary license will only be issued upon the condition that an ignition interlock device be installed in his automobile. The bill also requires the House Judiciary Committee to study the appropriateness of the use of the interlock device. The law would continue in effect to July 1, 1991 unless extended by action of the Legislature. Vote 9-4. Rep. C. William Johnson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a temporary program allowing the court to grant drivers' licenses conditional upon the use of ignition interlock devices after certain DWI license revocations and authorizing the house judiciary committee to continue its study of ignition interlock devices.

Amend RSA 263:35 as inserted by section 1 of the bill by deleting paragraph III.

Amend RSA 265:82-b, I(b)(5) as inserted by section 4 of the bill by replacing it with the following:

(5) Upon receipt of a petition for a license conditional on the use of an ignition interlock device approved by the director, the court shall hold a hearing where the person shall have the burden of proving that he has been rehabilitated and that specific reasons exist why he should be granted a license to drive for limited purposes. Such purposes shall include driving to or from work or educational purposes. The person shall satisfy the court that there is no public transportation available which meets his purposes and that he has not been at fault for any motor vehicle accident during the 5 years prior to his petition. If the court decides to grant the conditional license, it shall notify the director of the division of motor vehicles that a license conditional upon the use of an ignition interlock device shall be issued. The court may also limit the purposes for which the license is granted and shall notify the director of any such limitations. The director shall issue the conditional license in accordance with RSA 263:35.

Amend the bill by replacing all after section 5 with the following:

6 Driver's License Fees. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked for a period of greater than 15 days, a fee of \$25 shall be paid by the

licensee for the restoration of such license [or the issuance of a conditional license under RSA 265:82-b, I(b)(5)].

7 DWI Penalties; License Revocation for Second DWI Offense. Amend RSA 265:82-b, I(b)(3) to read as follows:

(3) Further, if the defendant is a resident of the state, his driver's license or driving privilege or, if he is a nonresident, his privilege as an out-of-state driver to drive on any ways of this state shall be revoked; and he shall be ineligible to hold a license or to drive upon any way in this state for the next 3 calendar years[, except that if he has had only one prior conviction, he may petition the court after 18 months of revocation for a conditional license pursuant to subparagraph I(b)(5)]. The driving privilege or driver's license of a person who has had 2 or more prior convictions within the 7-year period shall be revoked indefinitely, and he shall be ineligible to hold a license or to drive on the ways of this state for at least the next 3 calendar years.

8 Where Period of Revocation Reduced. Amend RSA 265:82-b, III to read as follows:

III. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court; except that a limited privilege driver's license conditional on use of an ignition interlock device may be granted before the period of revocation expires under RSA 265:82-b, I(b)]. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by Title LXII or any other provision of law.

9 Study; House Judiciary Committee. The house judiciary committee shall continue to study the appropriateness, feasibility, practicality and fiscal impact of utilizing ignition interlock devices for DWI offenders by monitoring the program established in this act. The committee shall propose any legislation it deems necessary in the 1989 legislative session based on the result of its study.

10 Statement of Intent. It is the intent of the legislature that the program established under this act shall expire on July 1, 1991, unless authorized to continue by the legislature.

11 Repeal. The following are hereby repealed:

I. RSA 263:35-37, relative to driver's licenses conditional on use of ignition interlock devices.

II. RSA 265:82-b, I(b)(5) relative to driver's licenses conditional on use of ignition interlock devices.

12 Effective Date.

I. Sections 1-5 and 9-10 of this act shall take effect January 1, 1989.

II. Sections 6-8 and 11 of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill, as amended, establishes a program which allows the court to grant drivers' licenses to DWI second offenders after 18 months of license suspension, upon the condition that they drive only vehicles equipped with ignition interlock devices. A person applying for a conditional license must prove that he has been rehabilitated and that specific reasons exist why he should be able to drive. The director of motor vehicles or the court may revoke the conditional license if the person to whom it is issued tampers with the ignition interlock device or

permits anyone else to tamper with it. Those who tamper with ignition interlock devices are subject to a fine of up to \$500 for a first offense, and a fine of up to \$1,000 and imprisonment of up to 6 months for a second offense. This program will expire on July 1, 1991, unless authorized to continue by the legislature.

The director of motor vehicles is granted the authority to adopt rules regarding the requirements for and installation of ignition interlock devices.

This bill also authorizes the house judiciary committee to continue its study of ignition interlock devices.

Amendment adopted.

Ordered to third reading.

HB 1200, relative to apportionment of damages. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: House Bill 1200, as amended, updates New Hampshire's law on apportionment of damages when there is a judgment proof defendant to conform to the Uniform Code. HB 1200 will permit now the reallocation of damages to include the claimant's share of fault in the event of one or more defendants' insolvent position. This bill is recommended by the Tort Reform Commission. Vote 7-6. Rep. Elizabeth D. Lown for Judiciary.

MINORITY: The minority agrees with the amendment of the majority, but wishes to further amend the bill to include a change in the rule of joint and several liability. The change proposed would limit a defendant's liability to twice the percentage of his or her liability in the event of one or more insolvent defendants. This change would only take place whenever a court allocates definite percentages of fault. Under such circumstances pollution liability cases would not be affected because of the impossibility of fixing precise percentages of damages with respect to defendants. Reps. Alf E. Jacobson, Thomas U. Gage, W. Kent Martling and Elizabeth A. Moore for Judiciary.

Amendment

Amend RSA 507:7-e, III as inserted by section 1 of the bill by replacing it with the following:

III. For purposes of contribution under RSA 507:7-f and RSA 507:7-g, the court shall also determine each defendant's proportionate share of the obligation to each claimant in accordance with the verdict and subject to any reduction under RSA 507:7-i. Upon motion filed not later than 60 days after final judgment is entered, the court shall determine whether all or part of a defendant's proportionate share of the obligation is uncollectible from that defendant and shall reallocate any uncollectible amount among the other [defendants] *parties, including the claimant at fault*, according to their [proportionate shares] *relative percentages of fault*. The party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.

Amendment adopted.

Rep. Alf Jacobson offered an amendment.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Apportionment of Damages. Amend RSA 507:7-e, III to read as follows:

III. For purposes of contribution under RSA 507:7-f and RSA 507:7-g, the court shall also determine each defendant's proportionate share of the obligation to each claimant in accordance with the verdict and subject to any reduction under RSA 507:7-i. Upon motion filed not later than 60 days after final judgment is entered, the court shall determine whether all or part of a defendant's proportionate share of the obligation is uncollectible from that defendant and shall reallocate any uncollectible amount among the other [defendants] *parties, including the claimant at fault*, according to their [proportionate shares] *relative percentages of fault*. The party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.

2 Joint and Several Liability. RSA 507:7-e, I(b) is repealed and reenacted to read as follows:

(b) Enter judgment against each party liable on the basis of the rules of joint and several liability, except that if any party shall be less than 50 percent at fault, then that party's liability shall be several and not joint and he shall be liable for no more than twice the damages attributable to him.

3 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

Under current law, an uncollectible share of an obligation owed to the claimant by one defendant in a case involving joint tortfeasors is reallocated among the other defendants. This bill requires an uncollectible share to be reallocated among the other defendants and the claimant at fault.

This bill, as amended, states that the rules of joint and several liability shall be applied by a court in assessing damages, except that where any party is less than 50 percent at fault his liability shall be several and he shall be liable for no more than twice the damages attributable to him.

Rep. Alf Jacobson explained the amendment and yielded to questions.

Reps. Hollingworth and Bowler spoke against the amendment.

Rep. Thomas Gage spoke in favor of the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 132 NAYS 163

YEAS 132

BELKNAP: Richard Campbell, Dexter, Golden, Jensen, Maviglio, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Dickinson and Powers.

CHESHIRE: Arnott, Clark, Irvin Gordon, Grodin, LaMar, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Harold Burns, Horton, Kilbride and Marsh.

GRAFTON: Adams, Guest, Lougee, McAvoy and Rounds.

HILLSBOROUGH: Burkush, Cowenhoven, Cox, Daigle, Durant, Fields, Ruth Gage, Scott Green, Hatch, Holden, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Kurk, Leclerc, Levesque, Lown, Bonnie McCann, McRae, Moore, Morrisette, Packard, Paquette, Prestipino, Rodgers, Sallada,

Schneiderat, Shriver, Leonard Smith, Soucy, Stonner, Turgeon, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Fillion, Fraser, George E. Gordon, Hager, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Lockwood, Nichols, Pantzer, Phelps, Philbrick, Stio and Yeaton.

ROCKINGHAM: Barnes, William Boucher, Butler, Cooke, Drake, Ellyson, Fesh, Harry Flanders, Thomas Gage, Haynes, Maurice MacDonald, Magoon, McGovern, McKinney, Newell, Palumbo, Scott, Simon, Skinner, Sytek, Tilton, Vaughn, Walker, Warburton, Weddle, Welch, Wells and Wright.

STRAFFORD: Appleby, Bernard, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Robert Jones, Martling, Pelley, Proulx, Francis Robinson, Wilson and John Young.

SULLIVAN: Domini, Flint, Lindblade, Rodeschin and Spaulding.

NAYS 163

BELKNAP: Hawkins, Holbrook, Pearson and Lawrence Richardson.

CARROLL: Russell Chase, Robert Holmes, Olimpio and Saunders.

CESHIRE: Cole, Daschbach, Delano, Daniel Eaton, Foster, Frink, Hunt, Matson, Miller, Morse, William Riley and Schwartz.

COOS: Brady, Frederic Foss, Guay, Lemire, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Arnesen, Chambers, Christy, Copenhaver, Dearborn, Densmore, Driscoll, Hammond, LaMott, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Beaupre, Bowers, Buckley, A. Leslie Burns, Champagne, Chretien, Cid, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Frank, Genest, Granger, Grip, Guilbert, Gureckis, Marian Harrington, Healy, Chris Jacobson, Michael Jones, Alice Knight, Long, Mason, McGlynn, Messier, Robert Murphy, O'Rourke, Pappas, Pariseau, Perham, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Stiles, Sullivan, Tarpley, Ware and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, James Chandler, Dunn, Gilbreth, Millard, Provencal, Rehlander, Gerald Smith, Tupper, Wallner and Whittemore.

ROCKINGHAM: Benton, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Felch, Flanagan, John Flanders, Beverly Gage, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Mace, Malcolm, William F. McCain, Merchant, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Sherburne, Sochalski, Splaine and Tufts.

STRAFFORD: Bates, Chamberlin, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, William McCann, Parks, Spear, Ann Torr and Wall.

SULLIVAN: Behrens, Brodeur, Cutting, Krueger, Normandin, Schotanus and Sara Townsend, and the amendment lost.

Ordered to third reading.

HB 821, legalizing the Atkinson town meeting. Ought to Pass with Amendment.

The Committee reviewed all documents submitted by the towns of Atkinson, Pembroke and New Ipswich and is of the opinion this legislation Ought to Pass to satisfy the minor technical adjustments raised by Bond Council and the Department of Revenue Administration. Vote 11-1. Rep. George M. West for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

legalizing certain town meetings and hearings.

Amend the bill by replacing section 2 with the following:

2 Pembroke Budget Public Hearing Legalized. All actions, votes, and proceedings of the Pembroke budget public hearing held by the budget committee on February 7, 1987, and all actions, votes, and proceedings of the Pembroke selectmen's hearing on bonds and notes, including the hearing on the town office building, held on February 23, 1987, are hereby legalized, ratified, and confirmed.

3 Town of New Ipswich. All actions, votes, and proceedings undertaken by the town of New Ipswich at its special town meeting held on July 15, 1987, including the authorization for land acquisition bonds, are hereby legalized, ratified, and confirmed.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes certain town meetings and hearings.

Amendment adopted.

Ordered to third reading.

HB 911, relative to service of termination notice on a manufactured housing park tenant. Ought to Pass with Amendment.

House Bill 911 spells out the method to use in terminating a tenancy in a mobile home park. Vote 11-1. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Termination of Tenancy. Amend RSA 205-A:3 to read as follows:

205-A:3 Termination of Tenancy. A tenancy in a manufactured housing park may be terminated by a manufactured housing park owner or operator upon giving notice in writing to the tenant in the manner prescribed by RSA 540:5 *and by first class mail*, to remove from the premises within a period of not less than:

I. 30 days, for an action based on RSA 205-A:4, I.

II. 60 days, for an action based on RSA 205-A:4, II, III, IV, or V.

III. 18 months, for an action based on RSA 205-A:4, VI.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The amended bill requires notice of termination of a tenancy in a manufactured housing park by first class mail, in addition to notice in the manner prescribed by RSA 540:5 which requires serving the tenant personally or leaving a notice at the tenant's place of abode.

Amendment adopted.

Ordered to third reading.

HB 978, legalizing the Newmarket town meeting. Ought to Pass with Amendment.

This bill legalizing the town meeting of Kensington and actions of the Sugar Hill zoning boards correct technical errors which should be legalized. Vote 12-4. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

legalizing certain town meetings and zoning
board of adjustment proceedings.

Amend the bill by replacing all after the enacting clause with the following:

1 Town of Kensington. All actions, votes, and proceedings of the Kensington annual town meeting held on March 12, 1987, including the votes regarding capital expenditures and capital reserve funds, are hereby legalized, ratified, and confirmed.

2 Sugar Hill Zoning Board of Adjustment. All actions, votes, and proceedings of the Sugar Hill zoning board of adjustment during the period when the members of the board were elected rather than appointed are hereby legalized, ratified, and confirmed.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The amended bill legalizes all actions, votes and proceedings of the March 12, 1987, Kensington annual town meeting and of the Sugar Hill zoning board of adjustment during the period when members of the board were elected.

Amendment adopted.

Ordered to third reading.

HB 1092-FN, amending the 10-year highway plan. Ought to Pass.

This bill extends the 10-year highway plan for the equivalent of two years and adds projects equal to the same rate of spending as has occurred in the first two years of the plan. Projects included in this bill are the priority listing as supplied by the Department of Transportation. Vote 16-3. Rep. Ralph W. Pearson for Public Works.

Ordered to third reading.

HB 1097-FN, relative to underground storage tanks. Ought to Pass with Amendment.

The Environmental Protection Agency (EPA), in April 1987, proposed new rules to prevent leaks from underground storage tanks, half of

which are used to store gasoline. HB 1097, as amended, permits New Hampshire's Department of Environmental Services (DES) to conduct its own underground storage facilities programs by making RSA 146-C at least as rigorous as the EPA proposals. This legislation, if enacted, is part of a state/federal process which would give primacy to New Hampshire's Department of Environmental Services. Vote 16-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 146-C:1, II and III to read as follows:

II. "Discharge" means the *release or addition* [disposal, addition, or injection] of any liquid to *land*, groundwaters or surface waters [from any designed conveyance system, including, but not limited to, pipe, ditch, channel, tunnel, conduit, well, fissure, container, or tank, as well as any designed leachate disposal system].

III. "Disposal" means deposit, discharge, injection, dumping, *spilling, leaking, leaching*, or placing of oil into or on any land, *groundwater or surface* water [so that such waste or any constituent thereof may enter surface or groundwater].

2 Definitions; Owner, Operator. Amend RSA 146-C:1, XIII and XIV to read as follows:

XIII. "Operator" means the person [or political subdivision] who has responsibility for the care, custody, and control of the daily operation of a facility.

XIV. "Owner" means the person [or political subdivision] in possession of or having legal ownership of a facility. *In addition, for facilities no longer in use on November 8, 1984, "owner" includes the person having had legal ownership of such facility immediately prior to discontinuance of its use.*

3 New Paragraph; Definition of Person. Amend RSA 146-C:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state and agencies thereof, municipality, commission, political subdivision of a state, interstate body, consortium, joint venture, commercial entity, the United States government and agencies thereof, and any other legal entity. The term "person" shall not include a person who, without participating in the management or actual operation of the facility, and otherwise not engaged in petroleum production, refining, or marketing, holds indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.

4 Oil Discharges Prohibited. Amend RSA 146-C:2 to read as follows:

146-C:2 Discharges Prohibited. No owner or operator shall discharge or dispose of any oil as defined in this chapter from any facility *into or onto land*, [to the surface waters or] groundwaters, *or surface waters* of the state.

5 New Subparagraph; Registration of Underground Storage Facilities. Amend RSA 146-C:3, I by inserting after subparagraph (d) the following new subparagraph:

(e) Demonstration of financial responsibility pursuant to rules adopted under RSA 146-C:9, VII.

6 New Paragraph; Registration of Underground Storage Facilities. Amend RSA 146-C:3 by inserting after paragraph IV the following new paragraph:

V. The division shall forward information compiled under this section to the federal Environmental Protection Agency pursuant to 42 U.S.C. 6991a(c).

7 Production of Records; Inspections. RSA 146-C:5,II is repealed and reenacted to read as follows:

II. For the purpose of developing or assisting in the development of any rule, conducting any study, instituting any corrective measures, or enforcing the provisions of this chapter, any owner or operator of a facility subject to regulation under this chapter shall, upon request of any employee or authorized representative of the division, furnish information relating to such facility or its contents, conduct monitoring or testing, permit such employee or authorized representative at all reasonable times to have access to and to copy all records relating to such facility, and permit such employee or authorized representative to have access to the facility for corrective measures.

8 New Paragraphs; Inspections; Corrective Action; Trade Secrets. Amend RSA 146-C:5 by inserting after paragraph II the following new paragraph:

III. For the purpose of developing or assisting in the development of any rule, conducting any study, instituting corrective measures, or enforcing the provisions of this chapter, division employees or authorized representatives may, upon the presentation of appropriate credentials:

(a) Enter at reasonable times any site where a facility regulated under this chapter is located.

(b) Inspect and obtain samples from any person of any regulated substances in such facility.

(c) Conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or groundwater.

(d) Institute corrective measures.

IV. Information obtained by the division under this chapter which, in the judgment of the federal Environmental Protection Agency or the division, constitutes a trade secret shall not be disclosed to the public without notice to the owner of the trade secret and an opportunity for hearing. The division may provide information relating to trade secrets to the Environmental Protection Agency, provided that the Environmental Protection Agency guarantees the same degree of confidentiality as does the division.

9 New Section; Exemption. Amend RSA 146-C by inserting after section 6 the following new section:

146-C:6-a Exemption. The provisions of RSA 146-C:3, 4, 5, I and 6 shall not apply to facilities no longer in use on January 1, 1974. The provisions of RSA 146-C:4, 5, I and 6 shall not apply to facilities taken out of use on or after January 1, 1974, and closed according to rules adopted under RSA 146-C:9, II(i).

10 New Paragraph; New Facilities. Amend RSA 146-C:7 by inserting after paragraph II the following new paragraph:

III. An owner shall demonstrate financial responsibility pursuant to rules adopted under RSA 146-C:9, VII.

11 New Paragraphs; Rulemaking. Amend RSA 146-C:9 by inserting after paragraph VI the following new paragraphs:

VII. Criteria for demonstrating financial responsibility for ownership and operation of underground storage facilities.

VIII. Acceptance and distribution of funds from the leaking underground storage tank trust fund established pursuant to 26 U.S.C. section 9508.

12 New Section; Orders. Amend 146-C by inserting after section 9 the following new section:

146-C:9-a Orders; Injunctions.

I. The division is authorized to issue an administrative order directing any owner or operator to cease activity violating this chapter, to take action necessary to comply with this chapter, or to institute corrective measures, as defined under RSA 146-A:11-a, III, in response to a discharge or disposal.

II. Notwithstanding any other provision of this chapter, the division, upon receipt of information that the storage, transmission or dispensing of oil at a facility subject to this chapter may present an imminent and substantial hazard to human health or to the environment, may take action as it determines necessary to protect human health or the environment. The action the division may take includes, but is not limited to:

(a) Issuing an order directing the facility owner or operator to take necessary steps to eliminate the hazard. The division may order the permanent or temporary cessation of operations at a facility. Orders of the division issued under this section shall be effective immediately. Any person to whom an order is directed shall immediately comply, but may appeal the order in accordance with paragraph III of this section.

(b) Requesting the attorney general to bring an action for injunctive relief, including a mandatory injunction.

III. Appeal of an order issued under this section shall be governed by RSA 21-0:7, IV.

13 Penalty. Amend RSA 146-C:10, I to read as follows:

I. Any person who owns or operates an underground storage facility without a permit as required by this chapter, [or] who fails to comply with a condition of that permit *or of an order issued under RSA 146-C:9-a*, or who violates the rules adopted under this chapter relative to underground storage facilities shall be subject to a civil penalty of not more than [\$1,000] *\$10,000* for each [day of] violation. *Each day of a continuing violation shall count as a separate violation.* Such a violation may also be enjoined by the superior court upon application of the attorney general. [An owner who is not also the operator of the facility shall not be liable for violations relating to recordkeeping and inventory control, except where the owner controls the inventory.] *Notwithstanding any provision of this chapter, an owner who is not also the operator of the facility shall not be liable for a violation of this chapter unless the operator has notified the owner of such violation, the owner has actual notice of the violation, or the owner, by use of normal business practice and procedures, knew or should have known of the violation.*

14 Liability for Cleanup Costs; Municipal Regulations. Amend the introductory paragraph of RSA 146-C:11, I to read as follows:

I. Any owner or operator or other person who directly or indirectly causes or suffers the discharge *or disposal* of oil into or onto any surface or groundwater of this state, or in a land area where oil has seeped or may or will ultimately seep into any surface or groundwater of the state in violation of this chapter, or rules adopted under this chapter, shall be strictly liable for costs directly or indirectly resulting from the violation relating to:

15 New Paragraph; Notification of Discharge; Mitigation of Damages. Amend RSA 146-C:11 by inserting after paragraph I the following new paragraph:

I-a. The owner or operator of a facility shall immediately inform the division of any discharge or disposal in violation of this chapter. Such person shall take immediate action to mitigate damages from such discharge consistent with any applicable rules of the division. If the owner is not the operator of the facility, the operator shall immediately inform the owner of any discharge or disposal in violation of this chapter.

16 Federal Assistance and Private Funds. Amend RSA 146-C:12 to read as follows:

146-C:12 Federal Assistance and Private Funds. [In carrying out] *To implement* this chapter, the division is authorized on behalf of the state, with the approval of the governor and council, to apply for and accept any federal assistance which may become available for the purpose of this chapter, whether in the form of loan or grant or

otherwise, to accept the provision of any federal legislation [therefor] *for such assistance*, to enter into, act, and [carry out] *implement* contracts in connection [therewith] *with such assistance*, or to act as agent for the federal government in connection [therewith] *with such assistance*. *The division shall adopt rules pursuant to RSA 541-A for accepting and distributing funds from the leaking underground storage tank trust fund established by 26 U.S.C. section 9508. Pending adoption of such rules*, where federal assistance is made available, the project shall be [carried out] *implemented* in accordance with applicable federal law, the regulations [thereunder] *adopted under such law*, and the contract or contracts providing for federal assistance, notwithstanding any contrary provision of state law. The division may also utilize any private funds which may be made available for the purposes of this chapter.

17 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, extends the authority of the division of water supply and pollution control in its regulation of underground storage tanks. It extends liability for discharges from old underground storage tanks to persons owning or possessing such tanks before they ceased to function. It also requires owners and operators of underground storage tanks to demonstrate financial responsibility in order to receive a permit for such tanks.

The bill requires that operators of facilities immediately notify the owners of any discharge or disposal violating the chapter. Owners who are not operators are not to be held liable for violations of the chapter unless they are notified of the violation, or the owner knew or should have known of the violation in the course of normal business practice.

The bill grants the division of water supply and pollution control authority to inspect and obtain samples at a facility, monitor and test tanks, institute corrective measures, and take any action necessary to abate imminent threats to human health or the environment. Actions can include seeking injunctive relief against violators through the attorney general. The penalty for each violation is increased to \$10,000, with each day of violation counting as a separate violation.

Amendment adopted.

Ordered to third reading.

HB 839-FN, relative to discretionary provision of electric power services to certain consumers by public electric utilities. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill gives an electric utility the right to reject the request of a former large customer, which deserves to receive again electric power from the utility. This will allow a utility to proceed with capacity planning in an orderly manner, and make customers consider the long-term implication of voluntarily moving off of the grid. With fewer defections it will be less likely that residential ratepayers will be required to make up the utility's lost revenues. The amendment spells out the process by which such a customer can appeal a utility's decision to the Public Utilities Commission. Vote 6-3. Rep. Douglas E. Hall for the Majority of Science, Technology and Energy.

MINORITY: This bill authorizes electric public utilities to reject renewed applications from past customers. The result will be: (1) to discourage alternative energy sources just at a time when we need energy, and (2) to leave the power grid due to an alternative cogeneration energy supply that may be cheaper for the customer and for the ratepayer, they may never, because of this bill be able to

return to the power grid even if economic reality at some future time makes it beneficial to them, the ratepayers. The result will be that no utility customer will incur the uncertainty of leaving the power-grid to generate alternative power if they are unable to return to the power grid. This uncertainty would hurt capacity and ratepayers. Rep. William H. Hatch for the Minority of Science, Technology and Energy.

Amendment

Amend RSA 374:28-a, II and III as inserted by section 1 of the bill by replacing them with the following:

II. Criteria to be applied by domestic electric utilities to requests by former consumers under this section shall include, but not be limited to, the following:

(a) The present capacity of the utility to provide the electric power requested.

(b) The effect of the request on present and anticipated future contractual obligations of the utility.

III. All decisions made by public electric utilities under this section shall be filed with the commission. The affected consumer may appeal the utility's decision to the commission, which shall hold a hearing within 30 days of the filing of such decision to approve, deny, or amend the decision.

AMENDED ANALYSIS

The bill, as amended, authorizes domestic public utilities to review and, under certain circumstances reject the applications of certain former customers to resume receiving electric power from the public utility. The review is to be based on the effect of the request on contractual obligations of the utility and the present capacity of the utility to provide the power.

The bill requires public electric utilities to file all such decisions with the public utilities commission. Upon appeal by the affected customer, the commission shall hold a hearing to approve, deny, or amend the decision.

Rep. Hatch moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. Frederic Foss spoke against the motion.

Motion lost.

Question now being on the Committee amendment.

A division was requested.

Reps. Sytek and Marilyn Campbell abstained from voting under Rule 16.

152 members having voted in the affirmative and 135 in the negative, the amendment was adopted.

Question now being shall HB 839 pass as amended.

A division was requested.

137 members having voted in the affirmative and 158 in the negative, the report lost.

Rep. Palumbo moved that HB 839 be reported Inexpedient to Legislate.

Motion adopted.

Resolution adopted.

HB 959, relative to the future energy supply needs of New Hampshire. Ought to Pass with Amendment.

All state agencies are encouraged to rely in the future on hydroelectric energy produced by plants in northeastern North America. This policy would also promote continued development of

small power producers and modernization and expansion of existing full-load utility plants. All state agencies are urged to use a least-cost planning approach in all such energy matters. Vote 11-0. Rep. Frederic A. Foss for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds it in the best interests of the people of the state of New Hampshire to seek alternative energy sources to provide for the future energy needs of the state of New Hampshire. The general court finds that these needs can be met through greater utilization of hydroelectric power sources, the continued development of small power producers, and the modernization and expansion of full-load utility plants in New Hampshire. Use of such hydroelectric facilities should be contingent on such facilities, their transmission lines and other equipment being primarily supported by a majority of equity investment from United States investors. Such facilities, in their power production contracts, should have a portion of such power specifically dedicated to provision to consumers in the United States.

2 Future Energy Sources; Hydroelectric, Small Power Producers, Full-Load Utility Plants; Least Cost Planning. The general court urges all state agencies to use all available authority to encourage the future use of hydroelectric power produced in northeast North America, the continued and increased development of small power producers, and the modernization and expansion of full-load utility plants whenever possible in the state. The general court urges all state agencies to use a least cost planning approach, including consideration of capital construction costs, on-line operating costs and decommissioning costs, when deciding on future power sources.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, urges all state agencies to encourage the future reliance of the state on hydroelectric energy produced by plants in northeastern North America, power produced by small power producers in the state, and the modernization and expansion of full-load utility plants. The bill urges state agencies to examine least cost alternatives when planning for future energy needs. The hydroelectric power sources should be primarily supported by a majority share of equity investment from United States investors, and should have a portion of their power production dedicated to provision of electric power to consumers in the United States.

Rep. Frederic Foss explained the report.

Amendment adopted.

Reps. Marilyn Campbell, Sytek and Wright abstained from voting under Rule 16.

Ordered to third reading.

HB 1039-FN, providing for random, unannounced testing of the effectiveness of nuclear emergency response plans. Inexpedient to Legislate.

It was concluded that a random, unannounced test of the nuclear emergency response plan in the seacoast area would create more problems than it would solve. A test of that type might confuse some of the public as to realities and produce unfortunate results. Vote 8-1. Rep. Frederic A. Foss for Science, Technology and Energy.

Reps. Marilyn Campbell, Sytek and Wright abstained from voting under Rule 16.

Resolution adopted.

HB 1127-FN, authorizing an independent review of the construction of the Seabrook nuclear reactor Unit 1. Ought to Pass.

The bill directs the Public Utilities Commission to contract with the National Academy of Sciences to conduct a two (2) year independent study of the safety of the physical construction of the Seabrook Nuclear Plant.

The Majority feels the Nuclear Regulatory Commission has not adequately monitored Seabrook's construction. A study can only help insure that Seabrook, if it operates, is as safe as possible.

The study will be funded by the Public Utilities Assessment Tax and will cost a total of less than six (\$6.00) dollars per residential ratepayer. The study will not delay the Seabrook licensing process. Vote 5-3. Rep. Robin P. Read for Science, Technology and Energy.

Rep. Scott moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, spoke to his motion and yielded to questions.

Rep. Read spoke against the motion.

Rep. Palumbo spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

Reps. Marilyn Campbell and Sytek abstained from voting under Rule 16.

YEAS 226 NAYS 79

YEAS 226

BELKNAP: Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Pearson, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Arnott, Clark, Cole, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Oleson, Purrington and Theriault.

GRAFTON: Adams, Bean, Christy, Dearborn, Driscoll, Hammond, LaMott, Lougee, McAvoy, Rounds, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Beaupre, Bowers, Champagne, Chretien, Cowenhoven, Cox, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Genest, Granger, Grip, Guilbert, Hatch, Healy, Holden, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Levesque, Lown, Bonnie McCann, McGlynn, McRae, Moore, Morrisette, Robert Murphy, Packard, Pappas, Paquette, Pariseau, Perham, Prestipino, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Shriver, Soucy, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Kidder, Lockwood, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Gerald Smith, Stio and Whittemore.

ROCKINGHAM: Barnes, Benton, William Boucher, Butler, Conroy, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Elizabeth Greene, Haynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Ritzo, Schmidtchen, Schwaner, Scott, Simon, Skinner, Sochalski, Tilton, Tufts, Vartanian, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Chamberlin, Dingle, Albert Dionne, Jean, Robert Jones, Kinney, Koromilas, Martling, Parks, Pelley, Proulx, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 79

BELKNAP: Bowler and Maviglio.

CARROLL: Olimpio.

CHESHIRE: Daschbach, Hunt, LaMar, Matson, William Riley and Schwartz.

COOS: Nelson.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore and Guest.

HILLSBOROUGH: Baldizar, Buckley, Burkush, A. Leslie Burns, Cid, Durant, Nancy Ford, Frank, Ruth Gage, Scott Green, Gureckis, Marian Harrington, Donna Kelly, Long, Messier, O'Rourke, Reardon, Reidy, Schneiderat, Leonard Smith, Sullivan and Zajdel.

MERRIMACK: Beaton, James Chandler, Dunn, Alf Jacobson, Lewis, Rehlander, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Carpenito, Cressy, Cushing, Ellyson, Thomas Gage, Hoar, Hollingworth, McGovern, Merchant, Parr, Pevear, Popov, Read, Rosencrantz, Sanderson, Sherburne, Splaine, Vaughn, Walker and Weddle.

STRAFFORD: Bernard, Callaghan, Casey, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Lachance, William McCann, Francis Robinson and Spear.

SULLIVAN: Normandin, and the motion was adopted.
Resolution adopted.

HB 1187-FN, relative to discounted utility rates. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill, as amended, allows a utility to offer discounted rates and provides a choice to the utility, to request recovering the lost revenue from customers in the same rate class, or to defer the revenue loss. The amendment offers the utility flexibility. Vote 6-4. Rep. Richard J. Daschbach for the Majority of Science, Technology and Energy.

MINORITY: This bill is unnecessary and a duplication of current law. The Public Utilities Commission is required under RSA 378:18 to pass judgment on all special contracts. Further, under RSA 378:10, the Public Utilities Commission cannot permit any rate which discriminates against any class of customer. Current law, therefore, already accommodates the intent of this bill. Rep. Robert J. Scott for the Minority of Science Technology and Energy.

Rep. Scott moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. Chambers spoke against the motion and yielded to questions.

Rep. Stiles spoke in favor of the motion.

Rep. Frederic Foss yielded to questions.

Rep. Guay moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Marilyn Campbell and Sytek abstained from voting under Rule 16.

YEAS	209	NAYS	92
YEAS	209		

BELKNAP: Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Pearson, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Delano, Foster, Frink, Irvin Gordon, Grodin, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Marsh, Purrington and Theriault.

GRAFTON: Adams, Bean, Christy, Driscoll, Guest, Hammond, Lougee, McAvoy, Rounds, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Beaupre, Bowers, A. Leslie Burns, Chretien, Cowenhoven, Cox, Daigle, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Drolet, Ducharme, Durant, Clyde Eaton, Joseph M. Eaton, Fields, Genest, Granger, Scott Green, Grip, Guilbert, Hatch, Healy, Holden, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Levesque, Lown, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, Pappas, Paquette, Pariseau, Perham, Prestipino, Rodgers, Routhier, Sallada, Shriver, Leonard Smith, Stiles, Stonner, Tarpley, Turgeon, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Laurent Boucher, James Chandler, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Kidder, Lockwood, Millard, Pantzer, Phelps, Philbrick, Provencal, Gerald Smith and Whittemore.

ROCKINGHAM: Barnes, Benton, William Boucher, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Elizabeth Greene, Haynes, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, Newell, Palumbo, Ritzo, Schmidtchen, Scott, Simon, Skinner, Sochalski, Tilton, Tufts, Vartanian, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Albert Dionne, Robert Jones, Kincaid, Kinney, Koromilas, Martling, Parks, Proulx, Francis Robinson, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Domini, Flint, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 92

BELKNAP: Bowler, Maviglio and Wixson.

CARROLL: None.

CHESHIRE: Clark, Cole, Daschbach, Daniel Eaton, Hunt, LaMar, Matson, William Riley and Schwartz.

COOS: Guay, Lemire, Mayhew, Nelson and Oleson.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore and LaMott.

HILLSBOROUGH: Baldizar, Buckley, Burkush, Champagne, Cid, Dube, Nancy Ford, Frank, Ruth Gage, Gureckis, Marian Harrington, Donna Kelly, Lefebvre, Long, O'Rourke, Packard, Reardon, Reidy, Ellen-Ann Robinson, Schneiderat, Soucy, Sullivan, Vanderlosk and Zajdel.

MERRIMACK: Beaton, Dunn, Fillion, Alf Jacobson, Lewis, Rehlander, Walter Robinson, Stio, Tupper, Wallner and Yeaton.

ROCKINGHAM: Butler, Carpenito, Cressy, Cushing, Beverly Gage, Thomas Gage, Hollingworth, McGovern, McKinney, Merchant, Parr, Pevear, Popov, Read, Rosencrantz, Sanderson, Schwaner, Sherburne, Vaughn, Walker, Weddle and Wells.

STRAFFORD: Callaghan, Casey, Anita Flynn, Edward Flynn, Jean, Sandra Keans, Lachance, William McCann, Pelley and Spear.

SULLIVAN: Cutting, D'Amante and Normandin, and the substitute motion was adopted.

Resolution adopted.

HB 985, relative to the penalty for littering from boats. Ought to Pass.

The Committee listened to the debate on the floor on this bill February 11, 1988. The decision to recommit the bill, at this point in the legislative calendar, limited the action the Committee could take. It being too late to amend the document the Committee recommends passage. Vote 6-5. Rep. Irvin H. Gordon for Transportation.

Question being on the Committee report, a division was requested.

196 members having voted in the affirmative and 106 in the negative, the report was adopted.

Ordered to third reading.

HB 1012-FN, relative to motor vehicle emissions testing in Nashua. Inexpedient to Legislate.

This bill seeks to repeal the emissions testing program in the Nashua area. The Committee spent much time considering the many angles involved in research. The possible reaction of the Environmental Protection Agency that since this program has only been in effect for less than six months, and even though there has been some improvement in air quality, much more improvement is required to meet the EPA standards. Withdrawal of the program before the end of a two-year period would result in sanctions being imposed almost automatically. Withholding of substantial federal funds programmed for the state in the future would be a certainty. Vote 9-1. Rep. Irvin H. Gordon for Transportation.

Rep. Durant moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Irvin Gordon spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 96 NAYS 207
YEAS 96

BELKNAP: Hawkins.

CARROLL: Dickinson and Kenneth MacDonald.

CHESHIRE: Matson.

COOS: Brungot, Frederic Foss, Guay, Horton, Kilbride, Lemire and Mayhew.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore, LaMott and McAvoy.

HILLSBOROUGH: Alukonis, Bass, Beaupre, Bowers, Buckley, A. Leslie Burns, Chretien, Cowenhoven, Daigle, Donovan, Ducharme, Durant, Joseph M. Eaton, Granger, Guilbert, Gureckis, Hatch, Holden, Michael Jones, Keefe, Robert Kelley, Leclerc, Lefebvre, Levesque, Long, Bonnie McCann, McRae, Morrisette, O'Rourke, Prestipino, Reidy, Ellen-Ann Robinson, Rodgers, Sallada, Stonner, Tarpley, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: George E. Gordon and Philbrick.

ROCKINGHAM: William Boucher, Carpenito, Conroy, Cooke, Cushing, Felch, Fesh, Flanagan, Beverly Gage, Lovejoy, Maurice MacDonald, Mace, McKinney, Newell, Schmidtchen, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian and Wright.

STRAFFORD: Bernard, Chamberlin, Albert Dionne, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Proulx, Swope and Ann Torr.

SULLIVAN: D'Amante and Spaulding.

NAYS 207

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Holbrook, Jensen, Maviglio, Pearson, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Clark, Cole, Daschbach, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Miller, Morse, Parker, Perry, Pierce, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Harold Burns, Marsh, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Bean, Christy, Dearborn, Driscoll, Guest, Lougee, Rounds, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Baldizar, Burkush, Champagne, Cid, Cox, Gerard Desrochers, Paul Dionne, Domaingue, Drolet, Dube, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Grip, Marian Harrington, Healy, Cornelius Keane, Donna Kelly, Alice Knight, Kurk, Lown, McGlynn, Messier, Moore, Robert Murphy, Packard, Pappas, Pariseau, Perham, Reardon, Routhier, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Lockwood, Millard, Pantzer, Phelps, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Barnes, Benton, Butler, Marilyn Campbell, Cressy, Drake, Ellyson, Harry Flanders, John Flanders, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Magoon, Malcolm, William F. McCain, McGovern, Merchant, Palumbo, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Scott, Sherburne, Splaine, Tilton, Vaughn, Walker, Warburton, Weddle, Welch and Wells.

STRAFFORD: Appleby, Bates, Callaghan, Casey, Dingle, Anita Flynn, Edward Flynn, Martling, William McCann, Parks, Pelley, Francis Robinson, Spear, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Resolution adopted.

HB 1036-FN, relative to motor vehicle inspections. Ought to Pass with Amendment.

This bill provides for annual inspections of all motor vehicles registered in the state, commencing July 1, 1988, except motor trucks exceeding 10,000 pounds gross vehicle weight and school buses which are inspected semi-annually. The vehicles due to be inspected in the last six months of 1988 under twice-a-year inspections shall be exempt from the required inspection until the month of the birth date of the registered owner.

The portion of the bill which would have required the Director of Motor Vehicles to establish a standard inspection rate was amended to have each inspection station conspicuously part on the outside of the building a sign showing the fee charged. The Committee felt this was more in tune with the American capitalist system. Vote 12-1. Rep. Roger Stewart for Transportation.

Amendment

Amend RSA 266:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged.

AMENDED ANALYSIS

This bill provides for annual inspection of all motor vehicles registered in the state, commencing July 1, 1988, except motor trucks exceeding 10,000 pounds gross vehicle weight and school buses, which will continue to be inspected semi-annually.

The vehicles due to be inspected in the last 6 months of 1988 under twice-a-year inspections shall be exempt from the required inspection until the month of the birth date of the registered owner, or the designated month for the company or corporation, in 1989.

The bill, as amended, requires the station to post on the outside of the building the inspection fee charged.

Amendment adopted.

Ordered to third reading.

Rep. William McCain notified the Clerk that he wished to be recorded against the Committee report.

Rep. Bowler notified the Clerk that she wished to be recorded in favor of the Committee report.

HB 1009-FN, relative to managing tax supported state debt. Ought to Pass with Amendment.

This bill, as amended, proposes to put an upper limit on state debt to finance capital improvements. Specifically, the state tax-supported debt would not exceed 75% of the unrestricted general fund revenues without a 2/3 vote of the House membership. The Committee believes that an upper limit on the amount of state bonding for capital expenditures is a prudent and responsible course of action to insure future economic security for the state. Vote 14-0. Rep. Garret P. Cowenhaven for Ways and Means.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Tax Supported Debt. Amend RSA 6-B by inserting after section 4 the following new subdivision:

Limitation on Tax Supported Debt

6-B:5 Definition. In this subdivision, "tax supported debt" of the state means the principal amount of any bonds, notes, loans, or other evidence of indebtedness, excluding refinanced debt, which has been authorized but not yet repaid or otherwise cancelled, for whatever period or purpose incurred, for which debt service payments are either:

I. Made directly by the state from taxes and other unrestricted general fund revenues, unless, and then only to the extent that, specific revenues are segregated or pledged for such debt service payments; or

II. Guaranteed by the state, unless, and then only to the extent that, specific revenues are segregated or pledged for such debt service payments.

6-B:6 Limitation on Tax Supported Debt of the State. The general court shall not authorize any additional tax supported debt of the state, as estimated by the legislative budget assistant pursuant to RSA 14:46, III(c) if such additional tax supported debt, when added to any previously authorized tax supported debt, exceeds 75 percent of the unrestricted general fund revenues at the end of the most recent fiscal year. The general court may exceed this limit by a 2/3 vote of the membership of each house.

6-B:7 Treasurer's Certification. The treasurer shall certify to each house of the general court on the fifteenth day of the month following the quartered months of March, June, September and December, and at other such times as may be requested by either the president of the senate or the speaker of the house, the current amount of the authorized tax supported debt of the state.

2 Fiscal Notes. Amend RSA 14:44 to read as follows:

14:44 Fiscal Note Required. All bills and resolutions having an effect on the revenues, expenditures or fiscal liability of the state or a city or town or county[, excepting appropriations for capital improvements,] shall be accompanied by a fiscal statement which sets forth the estimated fiscal impact thereof.

3 New Subparagraph; Estimate of Tax Supported Debt to be Incurred. Amend RSA 14:46, III to read as follows:

III. The fiscal impact note shall include:

(a) An estimate of the anticipated impact of the bill on state or city or town or county fiscal liability or revenues, including any change in taxable valuation; [and]

(b) Whether or not there is a federal mandate for a proposed program; and

(c) *An estimate of the amount of indebtedness which would constitute tax supported debt of the state.*

4 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill, as amended, requires the general court to limit the amount of new tax supported debt into which the state may enter for any fiscal year, when added to previously authorized tax supported debt, to 75 percent of the unrestricted general fund revenues at the end of the most recent fiscal year. It requires the treasurer to give the legislature a quarterly account of the amount of the state's tax supported debt.

The bill also requires the legislative budget assistant to attach to all bills with a fiscal impact a note describing the amount of tax supported indebtedness the bill would establish. Bills appropriating funds for capital improvements will now need fiscal notes.

Amendment adopted.

Rep. LaMott offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study tax
supported state debt.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose. The general court recognizes that any attempt to manage state debt effectively should come only after input from both legislative houses and from the appropriate committees within each house. The committee on tax supported state debt is hereby established to study this issue and to make recommendations for legislation in the 1989 legislative session.

2 Committee Membership; Appointment; Meetings.

I. The committee shall consist of the following members:

(a) Six house members, 2 from the committee on ways and means, 2 from the committee on public works and 2 from the appropriations committee; to be appointed by the speaker of the house.

(b) Six senate members, 2 from the committee on ways and means, 2 from the capital budget committee and 2 from the finance committee; to be appointed by the president of the senate.

II. The committee shall meet at least once a month and shall hold at least one public hearing.

3 Study; Report; Governmental Agency Assistance.

I. The committee shall examine the following issues:

(a) An appropriate limit for tax supported state debt and the consequences of setting such limits.

(b) An appropriate limit for interest payments on tax supported state debt and the consequences of setting such limits.

(c) Whether such limits should be set by statute or through legislative rules.

(d) Whether such limits can be made responsive to the business cycle.

(e) Any other pertinent issues.

II. The committee shall submit the results of its study in the form of a report, including recommendations for legislation, to the speaker of the house and the senate president on or before December 1, 1988.

III. Any state agency or department, including the office of the governor, shall provide information for the committee's study and report, upon request of the committee.

4 Mileage. Committee members shall receive mileage at the legislative rate.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a committee to study tax supported debt of the state, and to make recommendations for legislation on this issue for the 1989 legislative session.

Rep. LaMott explained the amendment.

Reps. Hayes and Ward spoke against the amendment.

Reps. Pearson and Gross spoke in favor of the amendment.

Rep. John Flanders moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 116 NAYS 188

YEAS 116

BELKNAP: Golden, Jensen, Pearson and Turner.

CARROLL: Russell Chase, Hounsell and Kenneth MacDonald.

CHESHIRE: Daschbach, Daniel Eaton, Foster, Frink, LaMar, Matson, Miller, William Riley and Schwartz.

COOS: Kilbride, Marsh, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Chambers, Copenhaver, Densmore, Guest, LaMott, Wadsworth and Weymouth.

HILLSBOROUGH: Baldizar, Bowers, Buckley, Champagne, Chretien, Gerard Desrochers, Donovan, Dube, Durant, Frank, Genest, Holden, Robert Kelley, Leclerc, Levesque, Long, McGlynn, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Soucy, Stonner, Sullivan, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, James Chandler, Dunn, Fillion, Gilbreth, Gross, Hager, Kidder, Walter Robinson, Wallner and Yeaton.

ROCKINGHAM: Cooke, Cushing, Drake, Flanagan, Hollingworth, Robert Johnson, Klemarczyk, McGovern, Read, Rosencrantz, Sanderson, Sherburne, Splaine, Sytek, Tilton, Vaughn, Walker, Warburton, Weddle and Wells.

STRAFFORD: Appleby, Bernard, Callaghan, Chamberlin, Anita Flynn, Edward Flynn, Kincaid, Parks, Pelley, Proulx, Francis Robinson and Wilson.

SULLIVAN: Behrens, Cutting, Domini, Flint, Lindblade, Peyron and Spaulding.

NAYS 188

BELKNAP: Bowler, Richard Campbell, Dexter, Hawkins, Holbrook, Maviglio, Lawrence Richardson, Thurston, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Clark, Cole, Delano, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Lemire and Oleson.

GRAFTON: Bean, Christy, Dearborn, Driscoll, Hammond, Lougee, McAvoy, Rounds, Scanlan, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Beaupre, Burkush, A. Leslie Burns, Cid, Cowenhoven, Cox, Daigle, Paul Dionne, Domaingue, Drolet, Ducharme, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Granger, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Healy, Michael Jones, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Kurk, Lefebvre, Lown, McRae, Messier, Moore, Morrisette, Pariseau, Perham, Prestipino, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Stiles, Tarpley, Turgeon, Vanderlosk, Ware and Emma Wheeler.

MERRIMACK: Laurent Boucher, Fraser, George E. Gordon, Hayes, Mary Holmes, Alf Jacobson, Lewis, Lockwood, Millard, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Gerald Smith, Stio, Tupper and Whittemore.

ROCKINGHAM: Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Carpenito, Conroy, Cressy, Ellyson, Felch, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Hoar, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Merchant, Newell, Palumbo, Parr, Pevear, Popov, Ritzo, Schmidtdchen, Schwaner, Scott, Simon, Skinner, Sochalski, Tufts, Vartanian, Welch and Wright.

STRAFFORD: Bates, Casey, Dingle, Albert Dionne, Jean, Robert Jones, Sandra Keans, Kinney, Koromilas, Lachance, Martling, Spear, Swope, Ann Torr, Wall and John Young.

SULLIVAN: Brodeur, D'Amante, Krueger, Normandin, Rodeschin, Schotanus and Sara Townsend, and the amendment lost.

Rep. Bonnie McCann notified the Clerk that she wished to be recorded against the amendment.

Rep. Hayes yielded to questions.

Rep. James Chandler offered an amendment.

Amendment

Amend RSA 6-B:6 as inserted by section 1 of the bill by replacing it with the following:

6-B:6 Limitation on Tax Supported Debt of the State. The general court shall not authorize any additional tax supported debt of the state, as estimated by the legislative budget assistant pursuant to RSA 14:46, III(c) if such additional tax supported debt, when added to any previously authorized tax supported debt, exceeds 75 percent of the

unrestricted general fund revenues at the end of the most recent fiscal year. The general court may exceed this limit by a 2/3 vote of the entire membership of each house.

AMENDED ANALYSIS

This bill, as amended, requires the general court to limit the amount of new tax supported debt into which the state may enter for any fiscal year, when added to previously authorized tax supported debt, to 75 percent of the unrestricted general fund revenues at the end of the most recent fiscal year. It requires the treasurer to give the legislature a quarterly account of the amount of the state's tax supported debt.

The bill also requires the legislative budget assistant to attach to all bills with a fiscal impact a note describing the amount of tax supported indebtedness the bill would establish. Bills appropriating funds for capital improvements will now need fiscal notes.

Rep. James Chandler explained the amendment.

Amendment lost.

Rep. James Chandler offered a further amendment.

Amendment

Amend RSA 6-B:6 as inserted by section 1 of the bill by replacing it with the following:

6-B:6 Limitation on Tax Supported Debt of the State. The general court shall not authorize any additional tax supported debt of the state, as estimated by the legislative budget assistant pursuant to RSA 14:46, III(c) if such additional tax supported debt, when added to any previously authorized tax supported debt, exceeds 75 percent of the unrestricted general fund revenues at the end of the most recent fiscal year. The general court may exceed this limit by a 2/3 vote of the membership present and voting in each house.

AMENDED ANALYSIS

This bill, as amended, requires the general court to limit the amount of new tax supported debt into which the state may enter for any fiscal year, when added to previously authorized tax supported debt, to 75 percent of the unrestricted general fund revenues at the end of the most recent fiscal year. It requires the treasurer to give the legislature a quarterly account of the amount of the state's tax supported debt.

The bill also requires the legislative budget assistant to attach to all bills with a fiscal impact a note describing the amount of tax supported indebtedness the bill would establish. Bills appropriating funds for capital improvements will now need fiscal notes.

Rep. James Chandler explained the amendment.

Rep. Palumbo spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 1102-FN, relative to the disposition of revenue received by the bureau of common carriers, department of transportation. Refer for Interim Study.

This bill would transfer an estimated \$4 million from the general fund to the highway fund. The Committee feels that it should not impact on the general fund at this time, but instead study and review the entire funding for highways and introduce legislation for the

1989 Session to make whatever adjustments are warranted. Vote 12-0. Rep. Kathleen W. Ward for Ways and Means.

Report adopted.

HB 1049-FN, relative to the travel allowance for members of the general court. Ought to Pass with Amendment.

Automotive costs have increased in the past five years since the mileage formula was last reviewed for the Legislature.

Studies have proven that it is more expensive to operate a car the first miles of a trip, with subsequent miles costing less.

The amendment replaces the original bill and calls for a payment of \$5.00 for the first mile driven. 38 cents per mile for the next 44 miles and 19 cents per mile for mileage over 45 miles.

The amendment fairly compensates all legislators; however it adequately addresses the particular problem of the Concord area legislators who have only those expensive first few miles to drive. The costs will amount to about a 20 percent increase in the total paid for legislative mileage. This mileage payment adjustment will more accurately reflect the actual costs of operating vehicles. Vote 10-1. Rep. Mary Ann Lewis for Legislative Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Mileage. Amend RSA 14:15-a, II to read as follows:

II. A member of the general court shall be allowed mileage per mile of the round trip to and from his home to the state house in Concord each day of attendance at the following rates:

(a) *For the first mile, \$5.*

[(a)](b) For the [first 45 miles thereof], *next 44 miles, \$.38 per mile[; and].*

[(b)](c) For all miles in excess of 45 miles, \$.19 per mile.

2 Effective Date. This act shall take effect December 1, 1988.

AMENDED ANALYSIS

This bill establishes new rates for mileage payments for members of the general court.

Amendment adopted.

Referred to Appropriations.

HB 1087-FN, establishing a study committee to examine ethics in government involving public officials and public employees. Inexpedient to Legislate.

The Committee feels the "ethics-in-government" issue is studied continually here in the Legislature and this bill is not necessary. In recent legislative sessions, we have adopted "Right-to-Know Laws," Financial Disclosure Laws, and adopted House Rules requiring the disclosure of prime sources of income. These laws and rules should be given a chance to be implemented before creating any more formal study committees. Vote 11-0. Rep. Beverly A. Gage for Legislative Administration.

Rep. Daniel Eaton moved that HB 1087 be laid upon the table. A roll call was requested. Sufficiently seconded.

YEAS 125 NAYS 178
YEAS 125

BELKNAP: Bowler, Richard Campbell, Golden, Holbrook, Pearson, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Hounsell, Kenneth MacDonald, Olimpio and Saunders.

CHESHIRE: Clark, Cole, Delano, Daniel Eaton, Irvin Gordon, Miller, Pierce and Sawyer.

COOS: Brady, Brungot, Harold Burns, Horton, Lemire, Mayhew, Nelson and Theriault.

GRAFTON: Hammond, LaMott, Lougee, McAvoy and Whitcomb.

HILLSBOROUGH: Ahrens, Bowers, Buckley, Burkush, Cid, Daigle, Gerard Desrochers, Domaingue, Clyde Eaton, Genest, Granger, Grip, Gureckis, Healy, Michael Jones, Robert Kelley, Alice Knight, Leclerc, Levesque, Lown, McGlynn, Pappas, Paquette, Pariseau, Reidy, Rodgers, Schneiderat, Stonner, Sullivan, Ware, Emma Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Hayes, Kidder, Lewis, Millard, Walter Robinson, Stio, Tupper and Whittemore.

ROCKINGHAM: Butler, Marilyn Campbell, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Elizabeth Greene, Robert Johnson, Roger King, Klemarczyk, Maurice MacDonald, Magoon, McKinney, Merchant, Parr, Ritzo, Sanderson, Schwaner, Scott, Simon, Sochalski, Splaine, Tilton, Tufts, Vartanian, Warburton and Wells.

STRAFFORD: Bates, Bernard, Callaghan, Casey, Chamberlin, Anita Flynn, Edward Flynn, Robert Jones, Parks, Proulx and Wilson.

SULLIVAN: Brodeur, Cutting, D'Amante, Flint, Peyron and Schotanus.

NAYS 178

BELKNAP: Dexter, Hawkins, Jensen, Maviglio, Lawrence Richardson, Thurston and Vogler.

CARROLL: Russell Chase, Dickinson, Robert Holmes and Powers.

CHESHIRE: Arnott, Daschbach, Foster, Frink, Grodin, Hunt, LaMar, Matson, Morse, Parker, Perry, William Riley, Schwartz and David Young.

COOS: Frederic Foss, Guay, Kilbride, Marsh, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Chambers, Christy, Copenhaver, Dearborn, Densmore, Driscoll, Guest, Rounds, Scanlan, Wadsworth, Ward and Weymouth.

HILLSBOROUGH: Alukonis, Baldizar, Bass, Beaupre, A. Leslie Burns, Champagne, Chretien, Cowenhoven, Cox, Paul Dionne, Donovan, Drolet, Dube, Ducharme, Durant, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Scott Green, Guilbert, Marian Harrington, Hatch, Holden, Cornelius Keane, Keefe, Donna Kelly, Kurk, Lefebvre, Long, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Perham, Prestipino, Reardon, Ellen-Ann Robinson, Routhier, Sallada, Shriver, Leonard Smith, Soucy, Stiles, Tarpley, Turgeon, Vanderlosk and Kenneth Wheeler.

MERRIMACK: Asplund, Bardsley, Beaton, James Chandler, Dunn, Gross, Hager, Mary Holmes, Alf Jacobson, Lockwood, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Gerald Smith, Wallner and Yeaton.

ROCKINGHAM: Barnes, Benton, William Boucher, Carpenito, Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Thomas Gage, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Lovejoy, Mace, William F. McCain, McGovern, Newell, Palumbo, Pevear, Popov, Read, Rosencrantz, Sherburne, Skinner, Sytek, Vaughn, Walker, Weddle, Welch and Wright.

STRAFFORD: Appleby, Dingle, Albert Dionne, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Martling, William McCann, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Wall and John Young.

SULLIVAN: Behrens, Domini, Krueger, Lindblade, Normandin, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Rep. Malcolm notified the Clerk that he wished to be recorded against the motion to table.

Rep. Dexter moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Rounds spoke in favor of the motion.

Rep. Marian Harrington spoke in favor of the motion and yielded to questions.

Rep. Phelps spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 144 NAYS 156
YEAS 144

BELKNAP: Bowler, Dexter, Golden, Jensen, Maviglio, Thurston, Vogler and Wixson.

CARROLL: Kenneth MacDonald.

CHESHIRE: Cole, Daschbach, Frink, Hunt, LaMar, Miller, Parker, Perry, Pierce and Schwartz.

COOS: Brady, Guay, Marsh and Oleson.

GRAFTON: Adams, Arnesen, Chambers, Christy, Copenhaver, Densmore, Guest, LaMott, Lougee, Rounds, Scanlan, Wadsworth and Whitcomb.

HILLSBOROUGH: Alukonis, Baldizar, Bass, Buckley, A. Leslie Burns, Champagne, Chretien, Cowenhoven, Gerard Desrochers, Paul Dionne, Donovan, Drolet, Dube, Ducharme, Durant, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Granger, Scott Green, Marian Harrington, Keefe, Donna Kelly, Kurk, Long, Messier, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Prestipino, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Shriver, Leonard Smith, Tarpley and Kenneth Wheeler.

MERRIMACK: Bardsley, Beaton, James Chandler, Dunn, Fillion, Gilbreth, Gross, Hayes, Alf Jacobson, Lockwood, Philbrick, Provencal, Rehlander, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Barnes, William Boucher, Carpenito, Conroy, Cressy, Cushing, Elizabeth Greene, Hoar, Hollingworth, Lovejoy, Mace, Malcolm, McGovern, Merchant, Pevear, Read, Ritzo, Sanderson, Sherburne, Skinner, Splaine, Sytek, Tilton, Vaughn, Walker, Weddle, Welch, Wells and Wright.

STRAFFORD: Appleby, Callaghan, Casey, Albert Dionne, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, William McCann, Pelley, Francis Robinson and Spear.

SULLIVAN: Behrens, D'Amante, Flint, Normandin, Spaulding and Sara Townsend.

NAYS 156

BELKNAP: Richard Campbell, Hawkins, Holbrook, Pearson, Lawrence Richardson and Turner.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Olimpio and Saunders.

CHESHIRE: Arnott, Clark, Delano, Daniel Eaton, Foster, Irvin Gordon, Grodin, Morse, William Riley, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Lemire, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Bean, Dearborn, Driscoll, Hammond, McAvoy, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Beaupre, Bowers, Burkush, Cid, Cox, Daigle, Domaingue, Clyde Eaton, Joseph M. Eaton, Grip, Guilbert, Gureckis, Hatch, Healy, Holden, Michael Jones, Cornelius Keane, Robert Kelley, Alice Knight, Leclerc, Lefebvre, Levesque, Lown, Bonnie McCann, McGlynn, McRae, Moore, Morrisette, Pariseau, Perham, Rodgers, Sallada, Schneiderat, Stiles, Stonner, Sullivan, Turgeon, Vanderlosk, Ware, Emma Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, Fraser, George E. Gordon, Hager, Mary Holmes, Kidder, Lewis, Millard, Pantzer, Phelps, Gerald Smith and Stio.

ROCKINGHAM: Benton, Butler, Marilyn Campbell, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Haynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Magoon, William F. McCain, McKinney, Newell, Palumbo, Parr, Popov, Rosencrantz, Schwaner, Simon, Sochalski, Tufts, Vartanian and Warburton.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Robert Jones, Martling, Parks, Proulx, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Domini, Krueger, Lindblade, Peyron, Rodeschin and Schotanus, and the motion lost.
Resolution adopted.

HB 952, relative to boating restrictions on Robinson Pond in the town of Hudson. Ought to Pass with Amendment.

This bill establishes a seven member committee to develop proposed legislation: (1) for administratively imposing boating restrictions on the state's lakes and ponds in lieu of legislating the same, and (2) for enabling municipalities to adopt and to enforce boating restrictions on lakes and ponds within their boundaries. Vote 14-0. Rep. Richardson Blair for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a legislative committee to develop legislation relative to boating restrictions.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established.

I. There is hereby established a 7 member committee on boating restrictions consisting of 3 members of the house committee on resources, recreation and development, appointed by the chairman; one member of the house transportation committee, appointed by the chairman; one member of the house committee on municipal and county government, appointed by the chairman; and 2 members of the senate committee on development, recreation and environment appointed by the chairman. A member appointed to the committee from the committee on resources, recreation and development shall serve as chairman. All committee members appointed shall be experienced boaters and free from any conflict of interest.

II. The committee shall develop proposed legislation to deal with the administrative imposition of boating restrictions on the state's lakes and ponds in lieu of the present practice of legislating for each such body of water under RSA 486. The committee shall also develop proposed legislation to provide for municipal participation in adopting and enforcing restrictions for those municipalities bordering on the state's lakes and ponds.

III. The various state agencies, including but not limited to, the division of safety services, the department of environmental services, the department of fish and game, department of transportation, the department of justice, and the office of state planning, shall provide input to the committee upon request. The committee shall hold public hearings and obtain input from private interests, including marine dealers, real estate developers, and lakes and ponds-oriented civic associations.

IV. The committee members shall be entitled to legislative mileage when performing committee duties.

V. The committee shall submit a final report on its legislative recommendations to the speaker of the house of representatives, the president of the senate, the chairman of the house committee on resources, recreation and development, and the chairman of the senate committee on development, recreation and environment on or before November 1, 1988.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a legislative committee to develop proposed legislation to deal with boating restrictions on the lakes and ponds of the state to replace the present practice of providing separate legislation for each such body of water under RSA 486.

Amendment adopted.

Rep. Dickinson offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a legislative committee to study boating laws and rules relative to boating.

Amend paragraphs I and II as inserted by section 1 of the bill by replacing them with the following:

I. There is hereby established a 7 member committee on boating restrictions consisting of 3 members of the house committee on resources, recreation and development, one member of the house transportation committee, and one member of the house committee on municipal and county government, appointed by the speaker of the house of representatives; and 2 members of the senate committee on development, recreation and environment, appointed by the president of the senate. A member appointed to the committee from the committee on resources, recreation and development shall serve as chairman.

II. The committee shall study all existing laws and administrative rules pertaining to boating on the lakes and ponds of the state. The study shall also include the present practice of legislating restrictions on the lakes and ponds of the state under RSA 486 in an effort to simplify the procedure, if deemed appropriate. The committee shall also study and develop proposed legislation to provide for municipal participation in adopting and enforcing restrictions for those municipalities bordering on the state's lakes and ponds, if deemed appropriate.

The Clerk read the amendment.

Rep. Dickinson explained the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 1103-FN, relative to the disposal of real estate by state government. Ought to Pass with Amendment.

The Committee feels that it is in the best interests of the state of New Hampshire that surplus state-owned real estate be used, where possible and appropriate, to establish affordable housing for low and moderate income citizens of the state who cannot obtain such housing without assistance. Vote 10-0. Rep. Henry F. Whitcomb, Jr., for State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state-owned surplus real estate to be used to establish affordable housing for low and moderate income persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that it is in the best interests of the state of New Hampshire that surplus state-owned real estate be used, where possible and appropriate, to establish affordable housing opportunities for low and moderate income citizens of the state who cannot obtain such housing without the assistance provided in this chapter.

2 New Chapter. Amend RSA by inserting after RSA 204-C the following new chapter:

CHAPTER 204-D SURPLUS LANDS HOUSING PROGRAM

204-D:1 Definitions. As used in this chapter:

I. "Authority" means the New Hampshire housing finance authority established under RSA 204-C.

II. "Committee" means the long range capital planning and utilization committee established under RSA 17-M.

III. "Persons of low income" means individuals or families whose gross annual income is equal to 80 percent or less of the median income of the geographic area in which they reside as determined by the authority.

IV. "Persons of moderate income" means individuals or families whose gross annual income is equal to 120 percent or less of the median income of the geographic area in which they reside as determined by the authority.

V. "State owned property" means real property owned by the state of New Hampshire and under the jurisdiction of any department, agency, or institution of state government.

204-D:2 Transfer of Property. The provisions of RSA 4:40 notwithstanding, the governor and council may transfer surplus state owned property to the authority for use as sites for low and moderate income housing. Transfer of property for this purpose shall occur under the following procedure:

I. The authority shall petition the head of any department having jurisdiction over property the authority determines to be suitable for use as housing sites to declare such property surplus.

II. The department head shall notify the authority and the committee in writing whether or not the department considers the property surplus.

III. If the department considers the property surplus, the committee shall review the property to determine if it is suitable for uses permitted by this chapter.

IV. If the committee determines that the property is suitable for such uses, the authority shall request that the governor and council transfer the property, without consideration, to the authority.

204-D:3 Highway Fund. Surplus property held by the department of transportation which was acquired with highway fund moneys shall be transferred to the authority under the procedures set out in RSA 204-D:2; provided, however, that the authority shall compensate the department for such land at an amount acceptable to the department and the authority. Such amount shall not exceed the actual original cost to the state highway fund of such property.

204-D:4 Housing Construction.

I. The authority may construct multi-family or single family housing on property transferred under this chapter.

II. The authority shall, where reasonably possible given regulatory, economic, and geographic factors, give preference to the construction of multi-family rental housing units on property transferred under this chapter.

III. At least 50 percent of the rental housing units constructed on property transferred under this program shall be designed for occupancy by low income persons.

IV. All single family units constructed under this chapter shall be designed for occupancy by persons of low or moderate income.

V. The authority shall not sell any land which is transferred to the authority pursuant to this chapter. The authority may lease land which is transferred to the authority under this chapter.

204-D:5 Limitation on Resale Value. The authority shall provide for the continued affordability of housing units constructed on state land transferred under this chapter by contracting with the developer or individual mortgagor of such units pursuant to rules adopted under RSA 204-D:6.

204-D:6 Rulemaking. The authority shall adopt rules under RSA 541-A relative to:

I. Eligibility requirements for access to housing units constructed under this chapter.

II. Application procedures.

III. Requirements related to occupancy, resale, and continued affordability of housing units constructed under this chapter.

IV. Such other matters necessary for the proper administration of this chapter.

204-D:7 Coordination with Other Programs. The authority shall establish procedures to ensure that the housing construction program established under this chapter shall be coordinated with other housing assistance programs administered by the authority.

3 Disposal of Real Estate. Amend RSA 4:40, I to read as follows:

I. Except as provided in RSA 4:39-a [and paragraph II of this section] and RSA 204-D, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

204-C:11 Area of Operation. Amend RSA 204-C:11 to read as follows: The area of operation of the authority shall be the entire state[; provided that, with the exception of data collection, the authority shall not operate with respect to any multi-family housing programs and the existing housing program under section 8 of the United States Housing Act of 1937, as amended, in any area in which a local authority of a municipality is operating, without the consent by resolution of the local authority operating therein and the consent of the local governing body; and further provided that, in areas where there is no local authority operating, with the exception of data gathering, planning, single Family Programs and the Existing Housing Program under section 8 of the United States Housing Act of 1937, as amended, the authority shall not operate without the consent of the local governing body. The authority shall provide notice of its intent to operate any multi-family housing by sending a letter by registered mail to the board of selectmen or city council to request permission for such program. Any consents required by this section may limit the time and scope of activities to be conducted by the authority in the municipality. For the purposes of this chapter alone, the area of operation of a local authority shall mean the municipality for which it is created. The rights and remedies of any person having an existing contract under the existing Housing Program under section 8 of the United States Housing Act of 1937, as amended, shall not be impaired or affected in any way by this section].

5 Repeal. RSA 4:40, II, relative to leasing state owned real estate to the New Hampshire housing finance authority, is repealed.

6 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, allows the governor and council to transfer surplus state owned property to the New Hampshire housing finance authority to be used as sites for constructing low and moderate income housing. Except for surplus property acquired with highway funds by the department of transportation, transfers of property to the authority will be made without consideration.

The bill also restricts the authority's ability to transfer acquired property and gives the authority rulemaking power regarding administration of the surplus lands housing program.

Amendment adopted.
Rep. Bardsley spoke in favor of the report.
Ordered to third reading.

SENATE MESSAGES
CONCURRENCE WITH AMENDMENT

SB 256, relative to voting in special school districts.

CONCURRENCE

HB 767, relative to the contracts made by nonprofit corporations.
HB 817-FN, relative to coordinating programs for the elderly.

NONCONCURRENCE

HB 615-FN, relative to complaints of insurance unfair trade practices.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 914, relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax. (Amendment printed SJ 2/11)
Rep. Ward moved that the House concur.
Adopted.

HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor. (Amendment printed SJ 2/11)
Rep. Fraser moved that the House concur.
Adopted.

HB 815-FN, relative to the joint committee on elderly affairs. (Amendment printed SJ 2/11)
Rep. Robert Jones moved that the House concur.
Adopted.

HB 502, delegating site plan review powers to special site review committees. (Amendment printed SJ 2/11)
Rep. Grodin moved that the House concur.
Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 17 at 1:00 p.m.

Adopted.

LATE SESSION
Third reading and final passage

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.
HB 313-A, relative to the widening, realignment, and improvement of the Route 3-A and Pinecrest Road intersection in Litchfield.

HB 395, requiring the division of safety services, department of safety, to issue a copy of the state's safe boating publication.

HB 594-FN, relative to county victim assistance programs and making an appropriation therefor.

HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members.

HB 754-A, making an appropriation to acquire abandoned railroad rights of way.

HB 799-FN-A, relative to certain state publications and making appropriations for their more efficient production.

HB 811-FN-A, establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders and making an appropriation therefor.

HB 826-FN-A, authorizing the hiring of a consultant to review the effectiveness of foundation aid, and making an appropriation therefor, and relative to the teacher shortage study committee.

HB 843-FN-A, appropriating funds for the Northeast Rural Water Association for equipment, technical assistance and training to rural water systems.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides.

HB 878-FN, establishing a committee to study the benefits of policemen and firemen.

HB 899-FN-A, allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor.

HB 919-FN, relative to the matching requirements for vocational rehabilitation programs.

HB 953-FN-A, relative to a fire protection system for the vault in the state archives and making an appropriation therefor.

HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor.

HB 990-FN-A, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor.

HB 996-A, relative to the state's purchase of the Hillsborough county courthouse and making an appropriation therefor, and relative to asbestos removal in the courthouse.

HB 1048-FN, relative to health care benefits for retired employees of political subdivisions.

HB 1056-FN-A, authorizing the payment of bond expenses out of bond proceeds and authorizing the appropriation of funds for such expenses if bond proceeds are insufficient.

HB 1072-FN-A, appropriating funds to the department of environmental services for a water supply study.

HB 1074-FN, relative to prior service credit for the retirement system.

HB 1080-FN-A, relative to nongame species and making a continuing appropriation therefor.

HB 1091-FN, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and making an appropriation therefor.

HB 1107-FN-A, establishing a committee to study legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor.

HB 1112-FN-A, relative to the Head Start program and making an appropriation therefor.

HB 1115-FN-A, relative to emergency management expenditures.

HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer.

HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor.

HB 940, relative to child support enforcement and paternity.

HB 964, granting law enforcement officials and certain employees of the department of health and human services the right to enter, without the consent of parent or guardian, public places to interview children who may be abused or neglected.

HB 1128, establishing child support guidelines, and establishing a committee to study child support issues.

HB 824, relative to area school district agreements.

HB 917, making technical changes for the department of revenue administration.

HB 833, relative to the defense and indemnification of housing finance board officials and employees.

HB 871, relative to damages for wrongful death.

HB 972, relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

HB 1001-FN, relative to civil suits against municipal officials.

HB 746, relative to legalizing the Winchester town meeting.

HB 880, relative to certification of water quality laboratories.

HB 952, establishing a legislative committee to study boating laws and rules relative to boating.

HB 1106-FN, establishing a committee to develop a program to license certain construction in public waters.

HB 1119, relative to restrictions on thrill craft.

HB 1158-FN, relative to extension of the authority of the division of water supply and pollution control relative to safe drinking water.

HB 963-FN, relative to certain public utility contracts.

HCR 13, relative to adjustment of the shelter deduction permitted under the food stamp program.

HB 1103-FN, relative to state-owned surplus real estate to be used to establish affordable housing for low and moderate income persons.

HB 1186, relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards and development restrictions.

HB 1042-FN, relative to road toll laws and the regional fuel tax agreement.

HB 352-FN-A, relative to the return of revenue to cities and towns.

HB 625-FN, relative to fees for boats and boat registration, and making certain appropriations.

HB 773-FN-A, relative to a legal holiday on June 21, 1988, celebrating New Hampshire's role in ratifying the United States Constitution and suspending the celebration of Fast Day for 1988.

HB 794-A, making capital appropriations and supplemental capital appropriations.

HB 831-FN-A, relative to a one time reimbursement for oil spill damage and making an appropriation therefor and relative to the administration of the oil pollution control fund.

HB 862-FN, relative to solid waste disposal and source reduction.

HB 876, relative to restricting water-skiing in certain coves on Squam Lake.

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

HB 932-FN-A, establishing a New Hampshire film and television bureau and making an appropriation therefor.

HB 1000-FN-A, relative to the Christa McAuliffe memorial and making an appropriation therefor.

HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor.

HB 1088-FN-A, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor.

HB 1104-FN-A, relative to sewage treatment funds and making an appropriation therefor.

HB 1109-A, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor.

HB 1121-FN-A, appropriating funds for construction of the North Swanzev sewer interceptor.

HB 1129, making supplemental operating budget appropriations, amending the operating budget, and making certain other appropriations.

HB 1142-FN-A, relative to the construction of certain water treatment projects and making an appropriation therefor.

HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.

HB 1163-FN-A, relative to nursing home care costs paid by counties.

HB 1185-FN-A, establishing a program of worker safety and health education within the department of labor.

HB 758-FN, establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.

HB 981-FN, relative to renting video cassettes to minors and requiring proof of age for admission of minors to movies.

HB 1147-FN, prohibiting persons who have been convicted of child pornography, felonious physical assault on a minor, or any sexual assault, from engaging in activities relating to the care of children.

HB 1202-FN, requiring additional reports to be filed with the insurance commissioner.

HB 886, relative to the board of trustees of the university system of New Hampshire.

HB 905, relative to surrogate parents appointed for educationally handicapped children.

HB 1201, authorizing school districts to teach New Hampshire's cultural heritage and ethnic history in school.

HB 1159-FN, relative to the Southeast Regional Refuse Disposal District.

HB 801-FN, relative to composition of the dental board.

HB 237-FN, limiting the civil liability of volunteers working on behalf of nonprofit organizations; establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers.

HB 943-FN, establishing a temporary program allowing the court to grant drivers' licenses conditional upon the use of ignition interlock devices after certain DWI license revocations and authorizing the house judiciary committee to continue its study of ignition interlock devices.

HB 1200, relative to apportionment of damages.

HB 821, legalizing certain town meetings and hearings.

HB 911, relative to service of termination notice on a manufactured housing park tenant.

HB 978, legalizing certain town meetings and zoning board of adjustment proceedings.

HB 1092-FN, amending the 10-year highway plan.

HB 1097-FN, relative to underground storage tanks.

HB 959, relative to the future energy supply needs of New Hampshire.

HB 985, relative to the penalty for littering from boats.

HB 1036-FN, relative to motor vehicle inspections.

HB 1009-FN, relative to managing tax supported state debt.

RECONSIDERATION

Having voted with the prevailing side, Rep. Sara Townsend moved that the House reconsider its action whereby it passed HB 1202, requiring additional reports to be filed with the insurance commissioner.

Motion lost.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 8:39 p.m.

RECESS

(Rep. Palumbo in the Chair)

ENROLLED BILL REPORT

SB 256, relative to voting in special school districts.

Rep. Raymond C. Buckley

For the Committee.

RECESS

(Rep. John Flanders in the Chair)

ENROLLED BILLS REPORT

HB 331, relative to filing returns under the interest and dividends tax.

HB 452, relative to demerit points for younger drivers.

HB 546, relative to the times for opening and closing the polls in statewide elections.

HB 574, relative to registering and the numbering of boats operating on state waters.

HB 741, relative to horsepower of motors on Spectacle Pond in the towns of Enfield and Grafton.

HB 806, relative to the price of wine.

HB 968, authorizing imposition of administrative fines by the water well board.

HB 1038, relative to credit services organizations.

SB 238, relative to bail reform.

SB 239, relative to electronic privacy.

Rep. Raymond C. Buckley

Sen. John P.H. Chandler, Jr.

For the Committee.

RECESS

(Rep. Beverly Gage in the Chair)

ENROLLED BILLS REPORT

HB 403, clarifying penalty provisions for violations of local codes and regulations, and relative to district court jurisdiction over such violations.

HB 502, delegating site plan review powers to special site review committees.

HB 648, relative to changing a statutory reference in the hazardous waste laws.

HB 767, relative to the contracts made by nonprofit corporations.

HB 769, relative to rulemaking authority for the division of elderly and adult services.

HB 815, relative to the joint committee on elderly affairs.

HB 817, relative to coordinating programs for the elderly.

HB 914, relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax, and relative to a definition of the United States Internal Revenue Code for business profits tax purposes.

SB 246, relative to the sale of liquor in convention centers and first class ballrooms.

Rep. Natalie S. Flanagan
Sen. John P.H. Chandler
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.
Adopted.

HOUSE JOURNAL 14

Thursday, 17Mar88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

We thank you, Holy God, for the genius of our democracy, even with its flaws and shortcomings. As the headlines tell us of a world broken by wars, we are aware, yet again, of the privilege of living in this land where all have some voice.

Eternal One, grant that we may listen as much to the oppressed as to the powerful, to the unnoticed as well as to the famous. Make us diligent in maintaining the principles upon which we are founded -- that all are created equal, that all share the rights to life, liberty and the pursuit of happiness. In faith we ask it. Amen.

Rep. Irvin Gordon led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. McManus, Ann Derosier, Gross, Manus, Geraldine Watson, Carpenito, McIntire, Pantelakos, Simon, McKee, Drake, Bean and D'Amante, the day, illness.

Reps. Thurston, Cote, Coulombe, Lionel Boucher, Schmidtchen, Doucette, Hounsell, Walter, Rodgers, West, Nixon, Nagel, Lozeau, Mulligan, Normandin, Chris Jacobson, Magee, Ralph Torr and Beverly Gage, the day, important business.

Reps. Gosselin, Joseph MacDonald, Shriver and Lussier, the day, illness in the family.

INTRODUCTION OF GUESTS

Harry S. Newman and Joan DeVillfane, guests of Rep. Harold Burns; fifty fourth grade students, their teachers and chaperons from the Chamberlain School in Rochester, guests of the House; Todd Delaney, founder of the University of New Hampshire Coalition for the Homeless, guest of Rep. Weddle; former Senator and Representative Ross Muirhead, guest of the House; Janet Mangurian and Greta Whittemore, guests of Rep. Whittemore; Margaret and Susan Gage, guests of Rep. Thomas Gage.

Reps. Palumbo and Chambers moved that the Senate be notified that the House is ready to meet in Joint Convention for the purpose of hearing an address by the Honorable Richard Upton.

Adopted.

COMMUNICATION

Dear Mr. Speaker:

Recently, my family and I have taken up temporary residency in Lancaster, New Hampshire. It has always been a dream of mine to live in Northern New Hampshire and bring my family up in an atmosphere that is relaxed and peaceful. Because of the sudden move, it had to be on a temporary basis, to make sure my family could adjust and to see if I could find employment. I have found a job and we all love it up here.

It is with deep regret that I hereby resign my seat as a member of the New Hampshire General Court effective immediately. I would like to thank you and Vinnie for making my year in Concord one that I will remember and cherish for many years.

If you are up in the Lancaster area, please drop in for a visit.

Thank you,

Rep. Herbert D. Richardson, Jr.

Their admittance having been approved by the Joint Rules Committee, Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1206 and 1207, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS
First, second reading and referral

HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor. (Rep. Palumbo of Rockingham Dist. 10; Sen. Dupont of Dist. 6 - To Legislative Administration)

HB 1207-FN-A, relative to certain consultants to the consumer advocate and making an appropriation therefor. (Rep. Chambers of Grafton Dist. 12; Rep. Schwartz of Cheshire Dist. 13; Rep. Matson of Cheshire Dist. 7; Rep. Bowler of Belknap Dist. 2; Rep. Pevear of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

SENATE MESSAGES
CONCURRENCE

HB 922-FN, relative to providing flags for use in school classrooms.

HB 954, relative to the boilers and pressure vessels law.

HB 1060, establishing a limitations period for claims of procedural defects in the enactment of municipal legislation.

HB 989, relative to towed farm implements.

HB 768-FN, relative to the frequency of regional highway conferences.

HB 58, relative to the disqualification of local land use board members.

HB 904-FN, relative to the Vermont state income tax.

HB 252-FN-A, relative to the rate of the business profits tax.

HB 627-FN, to provide a loss carry forward under the business profits tax and relative to partnership and proprietorship deductions for compensation.

HB 732-FN, relative to the workers' compensation special fund.

HB 789-FN, relative to assessment of civil penalties under the workers' compensation law.

HB 849-FN, relative to claims against the state.

HB 867-FN, relative to bonding authority for the Conway village fire district.

HB 870-FN, relative to surety bonds for county treasurers and other county officers, and relative to the administration of RSA 78-B by the commissioner of revenue administration.

HB 936, relative to discoverability of risk in product liability actions.

HB 999-FN, granting authority to the commissioner of environmental services to levy administrative fines for certain violations, and authorizing the director, division of water supply and pollution control, to take certain emergency actions.

HB 1007-FN, relative to the date when municipalities must make tax payments to counties.

HB 1036-FN, relative to motor vehicle inspections.

NONCONCURRENCE

HB 983, relative to early betting on thoroughbred racing.

HB 214-FN, relative to penalties for violations of motor vehicle laws by minors.

HB 381-FN, relative to growth limitation.

HB 879-FN, establishing a study committee relative to the promotion of electric vehicles in the state.

HB 907-FN, relative to district court jurisdiction in planning and zoning matters.

REFER FOR INTERIM STUDY

HB 1130, relative to the cost to counties for performing autopsies.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 756, prohibiting harassment of police dogs or horses.
(Amendment printed SJ 2/18)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

HB 848, relative to burials on private properties. (Amendment printed SJ 2/18)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(7) final action on all House Bills, and Joint Rule 10(a) Both bodies shall take final action on all bills and joint resolutions no later than the third Thursday of February in 1988 (February 18) on the following bills:

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control.

HB 645-FN, relative to school building aid.

HB 971-FN, relative to unclassified state employee salaries.

HB 1049-FN, relative to the travel allowance for members of the general court.

Adopted by the necessary two-thirds.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control, was removed at the request of Rep. Dickinson.

HB 1050-FN, relative to death benefits for beneficiaries of group II members, was removed at the request of Rep. William McCain.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children. Ought to Pass with Amendment.

Senate Bill 250 addresses giving an extension of time to the Task Force on HB 699, passed last year. The people and agencies that have been addressing this bill are exceptional - the Committee has never seen a more motivated or dedicated group. Making this move can only be to our advantage. Vote 15-0. Rep. Irene C. Domini for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 325-FN, relative to providing support to families coping with a severely disabled child or young adult family member, using funds already appropriated. Ought to Pass.

This bill establishes 2 pilot programs which will permit family members of severely disabled children to be cared for in their home environment as opposed to an institution. This bill will allow the family to remain together if it so chooses. Vote 15-0. Rep. Annette M. Cooke for Children, Youth and Elderly Affairs.

SB 257, extending the reporting date of the biomass study committee. Ought to Pass.

This bill amends the Laws of 1987, which established a Biomass Study Committee, to extend the reporting date of the Committee from October 1, 1987 to December 1, 1988. Vote 15-0. Rep. Merle W. Schotanus for Environment and Agriculture.

SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. Ought to Pass with Amendment.

The amendment changes the effective date to July 1, 1988 from January 1, 1988. The bill provides that the District and Municipal Courts shall, after deducting court expenses, pay fines collected for violations of most municipal ordinances, codes, or regulations over to the municipality whose ordinance, code, or regulation was violated. The bill applies only to ordinances which require specialized town enforcement. The Committee believes that passage of this bill will encourage enforcement of local codes. Vote 15-0. Rep. Beverly A. Hollingworth for Judiciary.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1988.

Referred to Appropriations.

SB 310-FN-A, relative to the purchase and distribution of breathalyzer machines and making appropriations therefor. Ought to Pass with Amendment.

There are presently 64 "breath analyzer machines" in the possession of police departments in cities and large towns. These machines provide testing coverage to any police department or officer when there is a person suspected of DWI. There are also 20 machines in the possession of the New Hampshire Police Academy, to be used in training police officers, as a part of the criteria for certification as full-time police officers. The great majority of all of these machines were installed in 1983 and 1984; since that time there have been many advances in technology. The existing machines are outdated and the internal workings are worn and need continual replacement. The Committee feels strongly that the cost of replacement of the existing machines should in no way be borne by the municipal police departments, but rather by the state, inasmuch as the municipal police departments apprehend those suspected of DWI (and of all traffic violations), test those persons for DWI and prosecute in court; the resultant fines are paid into the general fund. Fiscal Year 1987 returns to the State Treasury for traffic violations, including DWI offenses, amounted to \$15,463,000. "Penalty assessments" collected in FY 1987 amounted to \$1,548,000, which is specifically earmarked for the operation of the New Hampshire Police Academy.

Based on all the foregoing, the Committee recommends that funding for 84 "breath analyzer machines" be allocated as follows: \$120,000 from the "penalty assessment fund" for 20 machines; \$192,000 from the general fund and \$192,000 from the highway fund, for a total of 64 machines, for distribution to municipal police departments.

Additionally, a nine-member "advisory committee on breath analyzer machines" is established to provide guidance and recommendations to the Commissioner of Safety on the usage, efficiency, maintenance and replacement of the existing machines, and of those to be procured. Vote 12-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the purchase and distribution of breath analyzer machines and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Safety. The sum of \$504,000 is hereby appropriated to the department of safety for the fiscal year ending June 30, 1989, for the purpose of purchasing 84 breath analyzer machines for the testing of blood alcohol content. The sum appropriated shall be non-lapsing and in addition to any other sums appropriated to the department of safety for the biennium. Of the breath analyzer machines purchased, 20 machines shall be used by the police standards and training council in training programs and 64 machines shall be distributed by the department of safety to municipal police departments.

Of the sum appropriated, \$192,000 shall be charged to the general fund, \$192,000 shall be charged to the highway fund, and \$120,000 shall be charged to the penalty assessment fund. The governor shall draw his warrant for the sum appropriated from the appropriate funds.

2 Exemption from State Purchasing Requirements. The department of safety and the police standards and training council are hereby exempted from the requirements of RSA 21-I for the purpose of purchasing breath analyzer machines pursuant to section 1 of this act.

3 Advisory Committee on Breath Analyzer Machine Distribution Established. Amend RSA by inserting after RSA 106-F the following new chapter:

CHAPTER 106-G
ADVISORY COMMITTEE ON BREATH ANALYZER MACHINES

106-G:1 Committee Established. The advisory committee on breath analyzer machines is hereby established. The committee shall establish priorities and guidelines for the distribution by the department of safety to municipal police departments of breath analyzer machines to test blood alcohol content. The committee shall periodically review the usage and performance of the breath analyzer machines currently in use in this state and make recommendations to the commissioner of safety on the adequacy of the machines and the needs of the state and municipalities for new machines and technology. The committee shall consist of the following members and shall elect a chairman from its membership:

- I. One senator, appointed by the senate president.
- II. One representative, appointed by the speaker of the house.
- III. One public member, appointed by the governor.
- IV. The attorney general or his designee.
- V. The commissioner of safety or his designee.
- VI. The coordinator of the New Hampshire highway safety agency or his designee.

VII. The director of the division of public health services, department of health and human services, or his designee.

VIII. The chairman of the police standards and training council, or his designee.

IX. The president of the New Hampshire Police Chiefs' Association, or his designee.

106-G:2 Terms. The terms of the advisory committee members designated in RSA 106-G:1, I, II and IV - IX shall be coterminous with their office. The public member shall be appointed to a term of 3 years.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill, as amended, appropriates \$504,000 to the department of safety for the fiscal year ending June 30, 1989, for the purchase of 84 breath analyzer machines for the testing of blood alcohol content. Of these machines, 64 will be distributed to municipal police departments and 20 will be for the use of police standards and training council training programs. The appropriation shall be charged as follows: \$192,000 to the general fund; \$192,000 to the highway fund; and \$120,000 to the penalty assessment fund. This bill also creates a permanent advisory committee on breath analyzer machines to periodically review breath analyzer machines in use in this state and to establish priorities and guidelines for the distribution of such machines by the department of safety to municipalities.

Referred to Appropriations.

SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe. Ought to Pass.

The bill provides loans for the sewage treatment facilities in the towns of Exeter and Monroe. The loans will be repaid to the state according to the schedule listed in the bill. A solution to the sewage problems in these two towns is long overdue. Vote 11-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Referred to Appropriations.

SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood. Ought to Pass.

An abundance of testimony indicated that the request for passage of this bill is well-founded. There are several narrow surfaces and also quite a few large rocks near the surface. The people now using this water are very safety-conscious and believe that allowing larger boats would be very unwise. No one from the boating public appeared in opposition. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the Honorable Richard Upton.

RECESS

JOINT CONVENTION

(Speaker presiding)

The Speaker introduced Rep. Russell Chase who addressed the Joint Convention briefly and introduced the Honorable Richard Upton who addressed the Joint Convention briefly.

Mr. Speaker, Mr. President, Honorable members of the General Court, guests in the balcony, ladies and gentlemen.

I came here on the 14th of May, 1987 and I closed by a description of General Washington, the President of the Philadelphia Convention sitting down in his room in the Inn and writing an entry in his diary. And I said the next chapter would be the epic of the ratification and here we are.

As the new Constitution had been approved by the convention, it was delivered up after being engraved on parchment to the Confederation Congress which was sitting in New York. They looked at it for a day and decided that they didn't want to tamper with it so they referred it to the states and directed that the Governor of each state be notified that there was to be a convention assembled, elected by the people to consider ratification. Copies were sent and we were on our way.

Before touching on the immediate actions that were taken by the states I want to emphasize one thing that appeared important to me, that is that we can't underestimate the importance of the fact that this constitution had the full support of George Washington and Benjamin Franklin. They were probably the two most famous and respected Americans of their time. Now, of equal importance perhaps, was the kind of man that George Washington was. During the latter part of the Revolutionary War, during a particular difficult time, Washington's officers urged him to take control of the civil government. They were surprised because he immediately rebuked them and ordered that there be no repetition of such an idea. Then, during the period while the Constitution was being considered, there were many suggestions that Washington might be made King, or that he be elected President for life. All these ideas he rejected right out of hand, and so it is small wonder that he was so

trusted by the American people. It was during this time also, that the famous Federalist Papers, were published. They were anonymous, but everyone knew at the time that they were written by John Jay, James Madison and Alexander Hamilton. These were enormously influential in support of the new Constitution, and to this day they are often referred to by the judges of the United States Supreme Court in determining what the Constitution means. As I said, it was provided that the Constitution be submitted to special ratifying conventions to be elected by the people of each state. When ratified by nine states out of the thirteen, the Constitution would take effect. The first action took place in the State of Delaware. There, the convention met and they ratified it unanimously. You will remember when I spoke before, Governor Dupont was here on the platform and said the reason that they gave it such big support was the size of the bar bill at the place where they met. But, I should like to think it was a little more substantive than that. I think the reason that Delaware was unanimous was that this Constitution was a good deal for the small states. Their ratification occurred on December 7. The next state to take it up was Pennsylvania and they ratified it by a vote of 46 to 23 on December 12. On the 18th of December, New Jersey considered it and the vote was again unanimous. On the second of January, 1788, the Georgia convention met, they met behind palisades, in an armed camp to protect against anticipated indian attacks, but, they ratified it unanimously. The fifth state was Connecticut. On January 9, 1788, they made it unanimous too. The sixth state to consider it was Massachusetts, and here the first trouble, the first real dissent occurred in opposition. John Hancock, Samuel Adams and Elbridge Gerry were among the opponents. It passed eventually by a vote of 187 to 168. That was a pretty close vote for those days. The fact that Massachusetts had trouble with it was a bad omen for New Hampshire. Three more states were needed. On March 24, Rhode Island considered it at the various town meetings and all the towns together voted 2708 to 237 against the Constitution. That was a setback and so the legislature called no convention and Rhode Island didn't come along until quite a few years later. On the 28th of April, Maryland ratified the Constitution 63 to 11, and the eighth state was South Carolina where they voted 149 to 73 to approve it. Only one more was needed to put the keystone in the federal arch. Now in New Hampshire, the struggle was very close, the Governor, he was called the President at that time, was Major General John Sullivan of Durham. I think that he would be pleased to know that we are speaking about him on this day, St. Patrick's Day. He had served in the Revolutionary War, he was a lawyer turned soldier, his military record was mixed, but his patriotism was unquestioned, and he had been one of the leaders in the early days of revolt against Britain in the raids on Fort William and Mary at New Castle. He was a strong supporter of the Constitution. He was to serve as the Convention President. I'll talk of the supporters as federalists or feds and those opposed as anties or anti-feds. Thomas Bartlett of Nottingham, the speaker of the House was a strong supporter, and of course, in those days the President of the state (the Governor now) was also the President of the Senate, so Sullivan had two chances. John Taylor Gilman of Exeter was the state treasurer, he was a strong supporter. The senior of the state senators, the senior state senator was a significant position then, John Pickering, a prominent lawyer in Portsmouth was a great supporter. Josiah Bartlett signer of the Declaration of Independence from Kingston, head of the medical profession, later to be Governor, was a big supporter. John Langdon of Portsmouth, who took part in the raid on Fort William and Mary, had been continental agent and helped in building the continental navy and the launching of privateers, a very brilliant man, later to be first President Pro Tem of the United States Senate, and the Sheafe and Long families of Portsmouth were among the supporters. Sullivan and Langdon had been rivals, but they buried the hatchet during the convention process. The first thing for the Governor or President to

consider was the calling of a Special Session of the Legislature to pass a bill to set up the convention. Sullivan decided it would be more expedient to have a Special Session because attendance at Special Sessions was not too great and there were more federalists apt to attend than anties, so the Special Session met in December of '87 to pass a law setting up the convention. It was about this time that these prominent leaders of the state realized they were going to have a lot of opposition to the Constitution, and they began to devise their strategy. A Joint Committee of both Houses was appointed to draw up a bill. They picked Exeter as the place for the first meeting, this was in an area dominated by federalist voters, and the convention was not to meet until February the 13th on the supposition that by then Massachusetts would have acted on it and ratified it and that this would be a big boost in New Hampshire. Their hope was realized. It was also agreed that the state would pay the expenses of the delegates, not the towns. This is significant. The law against plural office holding, that is, office holders holding more than one important office, was relaxed so that people who held office could serve in the convention. And so the Governor was a delegate, the Chief Justice of the courts, Samuel Livermore, was a delegate, the State Treasurer, John Taylor Gilman, was a delegate, so they got all the federalist establishment into the convention as they wanted to do. The bill called for special town meetings to elect the delegates and in January there were many of these. The opponents of the Constitution had their own strategy, they tried to pick people in each town who would vote against the Constitution and then they tried to tie them up with instructions, instructions that they should vote no so that they couldn't be talked out of their position when they got to the convention. It turned out that about thirty towns out of a hundred or so that held elections, about thirty towns had elected people and instructed them to vote "no." Imagine that, about a third already against it, and in those days, the delegates took their instructions seriously. As time passed there was a lot of turmoil in the public debate. Ministers spoke openly in the church in support of the Constitution. There were meetings in taverns where people debated well into the night. What were some of the arguments used against it? One of the strongest was the attitude of the people who held office under the then existing State Constitution. They thought that it meant too much of a change, too much power to the national government, so some of them were against it for that reason. People were also opposed to the two-year term which was provided. Two years for Representatives and six years for Senators. That was too long they said, they wanted to hold it to the one-year term for all officers because it made them more accountable to the people they said. The federal courts, they thought, were too far removed from the people. And, sad to say, our forefathers were guilty of a lot of religious bigotry and the lack of a "Protestant test" for holding office in the federal Constitution was considered to be a defect. One delegate put it very strongly, and don't think that these are my words I wouldn't want to be caught dead saying them, one delegate said "a Turk, a Jew, a Roman Catholic, and what is worst of all a Universalist, may become President of the United States." It wasn't until 1876 that New Hampshire voters gave a two-thirds vote to approve a Constitutional amendment striking out the Protestant qualification for office holding in the State Constitution. So you can see, wrong as they were, they were strong in their error. Another thing that was objected to was the fact that only the Federal Government could print currency, they still wanted to issue paper money in New Hampshire. Thank goodness that didn't prevent the passage of the Constitution. As I said, of the hundred odd delegates that assembled on the 13th of February, many of them were instructed, there were some spirited elections, for example, William Plummer of Epping, who was later several time Governor and United States Senator; he was defeated for election as a delegate because he was too much in favor of the Constitution, and Major General Benjamin Bellows

of Charlestown, New Hampshire was elected, but he refused to attend because he would have to accept negative instructions for his vote. On the first day that they met at Exeter, there were about fifty present, not quite a quorum. But, they assumed they had a quorum so proceeded to organize, and most of those who were present were federalists. Josiah Bartlett was elected temporary chairman. He had been a signer of the Declaration of Independence, and was later to be Governor. A committee was then drawn up to issue some rules. One of the most significant rules was to eliminate record votes except on the main question, the adoption of the Constitution. All other votes were by voice vote and were not recorded. Whatever we know about the strength of the various sides was obtained from newspaper records and letters written by some of the delegates. What they had in mind in this was, the federalists were not sure they would be able to carry the day and they wanted to be able to adjourn if at the first session it appeared they might lose. A vote to adjourn would not be recorded so a delegate who had been instructed to vote "no" could vote to adjourn and his vote wouldn't be recorded so his fellow townspeople wouldn't know how he behaved. Among the opponents was a Nathaniel Peabody of Atkinson, who was not a delegate, but was one of the first lobbyist, Josiah Atherton of Amherst, a former Tory, was strong for defeating the Constitution. The way it stood at the first February session, those opposed to the Constitution had fifty solid votes. The federalists were for it with forty-five solid votes, and there were eleven delegates who were under instructions, that they were willing to obey, that they should vote "no," so as the end of the first session, the February session approached, eleven of the delegates who were there under instruction to vote "no" approached John Langdon, a strong proponent and they said, well if you force us to a vote now, we will vote "no, but we would support a motion to adjourn." So, they worked out an agreement overnight and the next day the vote to adjourn was put. Many of those who were opposed to the Constitution voted against adjournment because they could see what was coming, but by a vote of 56 to 51 the convention was adjourned, so the day was saved. The convention was adjourned to June 18th, to meet at Concord at the old North Church. There were now eight states and New Hampshire and Virginia were both considering the Constitution during the summer. During the recess the federalists campaigned around the state to get delegates, favorable delegates, elected from towns who hadn't sent them to the first session and also they worked with towns to get them to change their instructions. One example, I noticed, was Lt. Joshua Morse from the nearby town of Hopkinton. He had served in the military forces under Washington, presumably he respected Washington, but he was instructed by the town to vote "no." I'm sure he was uneasy about that, but he was one of the eleven, and he did vote aye to the motion to adjourn. He then returned to Hopkinton where he was town moderator, the Lord only knows just what he said, but shortly a special town meeting was called and it was voted that "Lt. Morse shall vote on the Constitution as he shall deem best for the public good." So, when he came back, when the time came, he voted "aye" for ratification. He was a revolutionary war soldier and many of them were among the forefront of those who supported the Constitution. There were some election contests that came up during the summer, in Walpole and another, that were settled in favor of the federalists. The Constitution then came up for action at the June 18th session in the old North Church. Atherton was still opposed, but the federalists sensed that there had been enough of a change so that they might carry the day and they were ready to have a go at it. Some of the maneuvering would interest members of this body. On the 20th, a Committee chaired by John Langdon reported on certain amendments to the federal constitution that would be desirable. Many of these were later adopted in what we now call the Bill of Rights which wasn't adopted by the states until around 1791. The report of Langdon recommended twelve items, the report was accepted and then Atherton, the delegate from Amherst, an opponent of the

Constitution, moved that the convention ratify the proposed Constitution, together with the amendments proposed by Langdon's committee, but that the Constitution not operate in New Hampshire without the amendments. If you look at that carefully, that's a "killer motion," and the conditions were such that that would not be considered an unconditional ratification. Judge Samuel Livermore, another delegate, seconded by Josiah Bartlett, moved then that the Atherton motion be postponed to make way for the following motion that in case the Constitution be adopted, the amendments reported by the Committee be recommended to Congress instead, of course, being made a condition. At this point, with these two motions pending, the convention adjourned until Saturday June 21. There, it was first voted to adopt the Livermore motion as an amendment to the Atherton motion. Atherton saw what was coming, so he moved that the convention do now adjourn, non debatable. That was defeated. Then the main question was put and, the recorded vote was taken on this final vote, 57 delegates, (if they had had to vote back in February, the vote would have probably been 60 to 45 against) now, 57 delegates voted in favor of ratification, 47 delegates voted in opposition. Present and not voting were 4 who were said to have walked out or got excused to go to dinner. They were probably under instructions to vote "no" but didn't want to do it so they absented themselves. One of these is said to have been Ezekiel Webster, father of Daniel Webster from Salisbury. His town had told him to vote "no," of course his son wasn't old enough then probably to have influence with his father, but the son said later on that his father was always opposed to the Constitution. Then there were five who were absent, who were probably also under instructions, but they just couldn't bring themselves to vote against so they didn't come. Had the nine that I have mentioned been there and voted the way that they were supposed to, it might have gone the other way. Thank God, it didn't. At any rate, the Constitution was adopted. This wasn't the end of the matter. Immediately, news of this was action sent to the Continental Congress in New York and to the convention meeting in Virginia by horseback riders. Although the Constitution was in effect, the nine states had ratified it, it would have been pretty difficult to run the country with Virginia and New York not members, not under it. But, Virginia ratified it on June 25 after a long debate, 87 to 79 with Patrick Henry of, "Give Me Liberty or Give Me Death" fame, being against the Constitution and James Madison, Jr., called the father of the Constitution, in favor, so there was one important state as number 10. On July 2, President Cyrus Griffin of the Continental Congress declared the Constitution in effect by virtue of New Hampshire's vote. New York was also important, but they realized that they were up against it, they were surrounded by states that had ratified on both the south and the north. They realized they couldn't very well turn it down. It was hot and heavy between Governor George Clinton of New York and Alexander Hamilton, later Secretary of the Treasury. So, finally New York ratified by a close vote. Other states came along later, but this was it. It showed to me, and I suppose it should show us all, that a few good men, and unfortunately there were no women delegates, but a few good men dedicated to a good cause can make a difference. See what they had done in one year and one month, or thirteen months, and compare it with the length of time it takes to get great things done in our nation's Capital today. The other important thing was, the proceedings had been conducted in such manner that there was very little resentment or opposition from those who were the losers, that was very important. The United States Constitution has become almost a civic religion in this country, if such is possible. I find it greatly respected by the American people. It is now the oldest written Constitution of a federated nation. The idea of a Constitution, of being governed by a fundamental law superior to legislative law, the idea of a revolution against tyranny, these were

exportable ideas, they were heard around the world, and after our Constitution took effect many of the new nations coming into existence began to adopt Constitutions, and many of the third-world nations have adopted Constitutions, perhaps not as effective as ours, but the idea was exported, an American idea that a Constitution is a good form of government to live under. So, as I conclude, I would like to paraphrase a Longfellow's poem on the "Bridge of Concord." It goes something like this. "'Neath the rude bridge which arched the flood, here the embattled farmers stood, and fired the shot heard round the world." Well, I would say of another Concord, 'Neath the spire of the old North Church, here the embattled delegates stood, and cast the vote heard round the world. Thank you.

Rep. Palumbo and Sen. Hounsell moved that the Joint Convention arise. Adopted.

The Joint Convention adjourned.

HOUSE

(Speaker in the Chair)

Rep. Robert Johnson, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 70

honoring Julianne M. Fauteux of Epsom.

WHEREAS, in Manchester on the night of November 28, 1987, Julianne M. Fauteux, a senior at Bishop Brady High School in Concord, was crowned New Hampshire Junior Miss for 1988, and

WHEREAS, in order to win the prestigious annual title, Julianne M. Fauteux had to compete with twenty-nine other seniors from high schools throughout the State, and

WHEREAS, by being selected New Hampshire's 1988 Junior Miss, Julianne M. Fauteux received an invitation to compete in June at the National Junior Miss finals in Mobile, Alabama, and

WHEREAS, throughout her four years at Bishop Brady High School, Julianne M. Fauteux has been an outstanding student, earning the highest grade-point academic average as a sophomore, as a junior, and as a senior, and

WHEREAS, Julianne M. Fauteux has achieved high individual academic honors in the subjects of Analysis, Chemistry, French, Geometry, Theology, and United States History, and

WHEREAS, possessing strong leadership abilities, Julianne M. Fauteux is President of both the Student Council and the National Honor Society at Bishop Brady High School, and an active member of Students Against Driving Drunk, and

WHEREAS, Julianne M. Fauteux was a recipient of the 1987 Wellesley College Award for academic and leadership excellence, and has been nominated for the 1988 National Principal's Leadership Scholarship, and gained early acceptance to Bowdoin College for the Fall of 1988, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Julianne M. Fauteux be paid highest accolades for being named New Hampshire's 1988 Junior Miss, and for her high academic achievements all of which have brought honor to her family, the Town of Epsom and the State of New Hampshire, and be it further

RESOLVED, that Julianne M. Fauteux be granted best wishes for an outstanding and enjoyable four years at Bowdoin College, and that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

(Deputy Speaker Burns in the Chair)

COMMITTEE REPORTS
(Regular Calendar)

HB 645-FN, relative to school building aid. Inexpedient to Legislate.

The Committee feels first that, the state does not have the funds this year to increase the building aid; and second, a straight percentage increase would potentially cost tens of millions of dollars in the future and not benefit the school districts that need it. Vote 11-8. Rep. Elizabeth Hager for Appropriations.

Rep. Barnes moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Walter Robinson and Rehlander spoke in favor of the motion.

Reps. Hager and Tufts spoke against the motion.

Rep. Palumbo spoke against the motion and yielded to questions.

(Speaker in the Chair)

A roll call was requested. Sufficiently seconded.

YEAS 189 NAYS 142
YEAS 189

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Jensen, Locke, Maviglio, Randall, Turner and Wixson.

CARROLL: Robert Holmes, Olimpio, Powers and Schofield.

CHESHIRE: Clark, Cole, Corrigan, Daschbach, Jesse Davis, Daniel Eaton, Foster, Frink, Matson, Perry, Pierce, William Riley and Schwartz.

COOS: Mayhew, Nelson, Purrington and Theriault.

CRAFTON: Arnesen, Blair, Chambers, Copenhaver, Densmore, Driscoll, Guest, Wayne King, Lougee, Rounds, Stewart, Wadsworth and Weymouth.

HILLSBOROUGH: Ahern, Alukonis, Baldizar, Bourque, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cusson, Domainque, Donovan, Drolet, Dube, Ducharme, Dwyer, Dykstra, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Grip, Guilbert, Gureckis, Betty Hall, Holden, Michael Jones, Keefe, Donna Kelly, Kurk, Lanzara, Leclerc, Lefebvre, Long, Lown, Mason, Bonnie McCann, McGlynn, Morrisette, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Soucy, Sullivan, Tarpley, Wagner and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Fillion, Fraser, Gilbreth, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Merton Mann, Pantzer, Provencal, Rehlander, Walter Robinson, Gerald Smith, Tupper, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Cressy, Cushing, Flanagan, Harry Flanders, Hollingworth, Robert Johnson, Joyce, Roger King, Klemarczyk, Lovejoy, Magoon, William F. McGain, McGovern, Merchant, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Scott, Seward, Sherburne, Skinner, Splaine, Walker, Warburton, Weddle and Wright.

STRAFFORD: Callaghan, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Sandra Keans, Kincaid, Koromilas, Lachance, Laurion, Francis Robinson, Spear, Swope, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Flint, Lindblade and Sara Townsend.

NAYS 142

BELKNAP: Golden, Holbrook, Pearson, Lawrence Richardson and Vogler.

CARROLL: Allard, Russell Chase, Dickinson, Kenneth MacDonald and Saunders.

CHESHIRE: Delano, Irvin Gordon, Grodin, Hunt, LaMar, Miller, Morse, Parker, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Lemire, Marsh and Oleson.

GRAFTON: Adams, Christy, Dearborn, Hammond, Ezra Mann, McAvoy, Scanlan, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Baker, Bass, Beaupre, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Dupont, Clyde Eaton, Joseph M. Eaton, Fields, Granger, Marian Harrington, Hatch, Healy, Humphrey, Cornelius Keane, Robert Kelley, Alice Knight, Korcoulis, Levesque, McRae, Messier, Moore, Robert Murphy, Packard, Pappas, Paquette, Pariseau, Routhier, Sallada, Schneiderat, Steiner, Stiles, Stonner, Turgeon, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Laurent Boucher, James Chandler, Dunn, Hager, Hayes, Kidder, Lewis, Lockwood, Millard, Phelps, Stio and Whittemore.

ROCKINGHAM: Blanchard, Lawrence A. Chase, Jr., Conroy, Cooke, Ellyson, Felch, Fesh, John Flanders, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hynes, George Katsakiores, Phyllis Katsakiores, Maurice MacDonald, Mace, Malcolm, McKinney, Newell, Palumbo, Sochalski, Sytek, Tilton, Tufts, Vartanian, Vaughn, Welch and Wells.

STRAFFORD: Appleby, Bates, Bernard, Jean, Robert Jones, Kinney, Martling, Parks, Pelley and Ann Torr.

SULLIVAN: Cutting, Domini, Krueger, Peyron, Rodeschin, Schotanus and Spaulding, and the motion was adopted.

Ordered to third reading.

HB 971-FN, relative to unclassified state employee salaries. Ought to Pass with Amendment.

The bill as written is the unclassified salary schedule presently in effect and is a vehicle to implement the recommendations of the task force studying unclassified salaries. The task force has not completed its recommendations as yet, and the Committee feels that at this late date the only chance of enacting an update of unclassified salaries is to pass the bill as a vehicle on to the Senate in hopes that the recommendations will be ready to enable the Senate to adopt them.

The amendment corrected two typographical errors in the bill as printed. Vote 13-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend paragraph I, group U as inserted by section 1 of the bill by replacing it with the following:

Group U \$82,400

Chief medical examiner

Amend paragraph I, group U as inserted by section 2 of the bill by replacing it with the following:

Group U \$84,872

Chief medical examiner

AMENDED ANALYSIS

This bill reenacts current law on salary increases for unclassified state employees, which provides for a 3 percent salary increase on June 3, 1988, and a 3 percent salary increase on December 16, 1988.

This bill, as amended, grants the chief medical examiner a 3 percent salary increase on June 3, 1988, and a 3 percent salary increase on December 16, 1988.

Amendment adopted.

Ordered to third reading.

HB 1049-FN, relative to the travel allowance for members of the general court.(A) Ought to Pass with Amendment.

The legislative budget can afford having each Representative paid \$5 for the first mile driven to come to the Legislature. The majority of the Committee also believes that this is a suitable 1988 effort to pay some travel costs of serving in the Legislature. Vote 12-7.
Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$101,955 is hereby appropriated to the New Hampshire house of representatives, and the sum of \$9,933 is hereby appropriated to the New Hampshire senate, for the fiscal year ending June 30, 1989, for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect December 1, 1988.

AMENDED ANALYSIS

This bill establishes new rates for mileage payments for members of the general court.

The bill, as amended, appropriates \$101,955 to the house and \$9,933 to the senate, for fiscal year 1989, to effect these new rates.

Amendment adopted.

Question now being on the adoption of the report as amended, a roll call was requested. Sufficiently seconded.

Rep. Burton Knight abstained from voting under Rule 16.

YEAS 246 NAYS 74
YEAS 246

BELKNAP: Bolduc, Bowler, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Maviglio, Pearson, Randall, Lawrence Richardson, Turner, Vogler and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Jesse Davis, Delano, Foster, Frink, Irvin Gordon, Grodin, LaMar, Matson, Miller, Morse, Parker, Perry, Pierce, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Blair, Chambers, Dearborn, Densmore, Driscoll, Guest, Wayne King, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baldizar, Bass, Bourque, Bowers, Buckley, Burkush, Champagne, Chretien, Cid, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Dube, Ducharme, Dupont, Clyde Eaton, Fields, Nancy Ford, Ruth Gage, Gagnon, Genest, Grip, Guilbert, Gureckis, Betty Hall, Marian Harrington, Holden, Michael Jones, Cornelius Keane, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Leclerc, Levesque, Long, Lown, Mason, McGlynn, McRae, Messier, Moore, Morrisette, Packard, Pappas, Paquette, Pariseau, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Schneiderat, Leonard Smith, Stonner, Sullivan, Tarpley, Vanderlosk, Ware and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, James Chandler, Fillion, Fraser, Gilbreth, Hager, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Merton Mann, Millard, Pantzer, Phelps, Provencal, Rehlander, Walter Robinson, Stio, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, William Boucher, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Cressy, Cushing, Ellyson, Felch, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, McGovern, McKinney, Merchant, Newell, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Scott, Seward, Sherburne, Sochalski, Splaine, Tufts, Vartanian, Vaughn, Walker, Weddle, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Sandra Keans, Kinney, Laurion, Martling, Pelley, Francis Robinson, Spear, Swope, Wall, Wilson and John Young.

SULLIVAN: Cutting, Domini, Flint, Lindblade, Peyron, Schotanus and Sara Townsend.

NAYS 74

BELKNAP: Dexter, Golden, Jensen and Locke.

CARROLL: Olimpio.

CHESHIRE: Corrigan and Hunt.

COOS: Purrington.

GRAFTON: Christy, Hammond, Lougee, Howard Townsend and Weymouth.

HILLSBOROUGH: Alukonis, Baker, Beaupre, A. Leslie Burns, Cowenhoven, Drolet, Dwyer, Dykstra, Joseph M. Eaton, Frank, Granger, Scott Green, Hatch, Humphrey, Keefe, Kurk, Lanzara, Lefebvre, Bonnie McCann, Robert Murphy, Perham, Sallada, Soucy, Steiner, Stiles, Turgeon, Wagner, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Laurent Boucher, Dunn, Douglas Hall, Hayes, Hess, Lockwood and Tupper.

ROCKINGHAM: Carl Anderson, Barnes, Bucu, Butler, Lawrence A. Chase, Jr., Fesh, Elizabeth Greene, Malcolm, William F. McCain, Palumbo, Skinner, Sytek, Tilton, Warburton and Welch.

STRAFFORD: Albert Dionne, Jean, Koromilas, Lachance, Parks and Ann Torr.

SULLIVAN: Behrens, Brodeur and Spaulding, and HB 1049 was ordered to third reading.

Rep. Benton notified the Clerk that he wished to be recorded against the Committee report.

SB 260-FN, relative to detection of airborne radon in homes. Ought to Pass with Amendment.

Senate Bill 260 gives responsibility to the Division of Public Health Services to perform a cost-effective, timely environmental service and authorizes it to conduct, upon request, inspections of buildings and dwellings for the presence of radon or other hazards to health present in indoor air; and provides for education and technical consultation and recommendations for reducing such health hazards. The Division categorically states that the costs of the service can be absorbed by the Division of Health Services. Vote 14-0. Rep. Merle W. Schotanus for Environment and Agriculture.

Amendment

Amend RSA 125:9, X as inserted by section 1 of the bill by replacing it with the following:

X. Conduct inspections of buildings and dwellings, upon request, for the presence of radon or other hazards to health present in indoor air. Provide education, technical consultation, and recommendations for abatement of such health hazards in conjunction with the University of New Hampshire cooperative extension service.

AMENDED ANALYSIS

The bill requires the director, division of public health services, to conduct home inspections, upon request, for the presence of radon and other airborne potential health hazards. The director is also to provide educational services, and technical consultation and to make recommendations for abatement of airborne health hazards in conjunction with the University of New Hampshire cooperative extension service. The bill gives the director rulemaking authority to accomplish these duties.

This bill was requested by the division of public health services, department of health and human services.

Amendment adopted.

Ordered to third reading.

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. Ought to Pass with Amendment.

The Committee unanimously supports this bill. The Department of Air Resources has been underfunded too long. It is high time that it has adequate resources to do its work. This bill includes adequate funding for 2 new positions and establishment of a fund to update equipment. Vote 14-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing section 3 with the following:

3 New Positions Authorized. The department of environmental services is authorized to establish 2 additional air pollution technician 1 positions within the division of air resources.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

SB 327-FN, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration. Ought to Pass.

This bill, dealing with a long-standing shortcoming of the New Hampshire Retirement System, removes the Social Security Offset. This change, funded by the write-up of assets within this system (currently estimated to be funded at 165%) per the recommendations of the actuaries, Buck Associates. The bill also adds two members of the Legislature to the Board of Trustees. Vote 14-2. Rep. William F. McCain for Executive Departments and Administration.

Rep. William McCain yielded to questions.

Referred to Appropriations.

SB 268-FN, relative to litigation of small claims. Ought to Pass. Although the current maximum on small claims was increased to its present level in 1985, this figure of \$2500 much more closely corresponds to the current inflationary level as well as the current upper limits of small claims. Vote 12-0. Rep. Robert E. Murphy for Judiciary.

Ordered to third reading.

HB 1205-FN-A, establishing a low income housing construction program to be administered by the New Hampshire housing finance authority and making an appropriation therefor. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill authorizes the sum of \$500,000 to be appropriated to the New Hampshire Housing Authority for the fiscal year ending June 30, 1989 for the purpose of providing low and moderate income persons low interest loans of amounts not to exceed \$10,000 for the purpose of making down payments on single family homes.

The bill also provides that additional funds may be provided to the Authority by the General Court in future times, as well as unencumbered funds which the Authority may allocate along with loan repayments from this program, including interest, in order to establish a continuing revolving loan fund for this type of housing. Coordination will also be established with other mortgage assistance programs and the public lands program, administered by the Authority. Vote 12-1. Rep. Henry F. Whitcomb for the Majority of State Institutions and Housing.

MINORITY: House Bill 1205 will provide an extremely generous benefit to approximately 50 persons or families. The bill provides the Housing Finance Authority with virtually unlimited discretion in selecting the very lucky 50 people who will benefit from this appropriation from the general fund of this State. Certainly, a fiscally-conservative Legislature such as ours can better spend the taxpayers' money to benefit a broader spectrum of the public. The Minority is uncertain that there is a sound, well-considered policy underlying this legislation. While the Committee amendments greatly improve a poorly-drafted and ill-conceived bill, the Minority does not believe HB 1205 is good policy given the fiscal restraints facing this State. Rep. Judy E. Reardon for the Minority of State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a low and moderate income housing loan program
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Low and Moderate Income Housing Loan Program.
Amend RSA 204-C by inserting after section 55 the following new subdivision:

Low and Moderate Income Housing Loan Program

204-C:56 Purpose. The purpose of this subdivision is to assist low and moderate income persons and families to purchase housing.

204-C:57 Program Established. There is hereby established a low and moderate income housing loan program to be administered by the New Hampshire housing finance authority which shall make low interest loans in amounts not to exceed \$10,000 to low and moderate income persons for the purpose of down payments on single family homes. For purposes of this section, "low and moderate income persons" shall mean individuals and families whose gross annual income is equal to or less than 100 percent of the median income of the geographic area in which they reside as determined by the authority.

204-C:58 Loans for Down Payments. Such funds as the general court may specifically appropriate from time to time to the authority may be loaned to eligible low and moderate income persons or families for the purpose of making down payments on single family homes. Such loans shall not be in excess of \$10,000 to any individual and shall be repaid at interest rates determined by the authority. The appropriations made for purposes of this section and loan repayments, including interest, together with any funds which the authority may allocate from time to time to this program, shall constitute a continuing revolving loan fund.

The state's and the authority's interest in such property shall be protected by a lien or in such other manner as is acceptable to the authority.

204-C:59 Sale of Property. The authority and the low or moderate income person shall enter into a contract providing that if the property is sold, the loan provided under this program shall be immediately due and payable.

204-C:60 Public Benefit. The authority shall review each request for assistance under this subdivision to objectively determine whether such request is primarily for a public purpose and benefit in accordance with RSA 204-C:20.

204-C:61 Rulemaking. The authority shall adopt rules in accordance with RSA 204-C:53, relative to:

I. Criteria for eligibility for loans made under this subdivision.

II. Application procedures for such loans.

III. Interest rates on loans.

IV. Procedures for repayment of loans made under this subdivision.

V. Procedures for equity sharing.

VI. Any other matter necessary to the administration of this subdivision.

204-C:62 Coordination with Other Programs. The authority shall establish procedures to ensure that the loan program established under this subdivision shall be coordinated with other mortgage assistance programs administered by the authority and with the public lands program established under RSA 204-D.

2 Appropriation. The sum of \$500,000 is hereby appropriated to the New Hampshire housing finance authority for the fiscal year ending June 30, 1989, for the purposes of this act. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill establishes a low and moderate income housing loan program to be administered by the New Hampshire housing finance authority which allows loans, not to exceed \$10,000, to be made to low and moderate income persons to be used for single family homes. These loans would be used for down payments for such homes.

The bill provides that if the home is later sold, the loan shall become immediately due and payable.

The bill appropriates \$500,000 to the authority for the purposes of this program.

Question now being on the Committee amendment, on a voice vote the Speaker was in doubt and requested a division.

216 members having voted in the affirmative and 96 in the negative the amendment was adopted.

Rep. Reardon spoke against the report and yielded to questions.

Rep. Palumbo spoke in favor of the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Wayne King abstained from voting under Rule 16.

YEAS 209 NAYS 123
YEAS

BELKNAP: Bolduc, Richard Campbell, Dexter, Malcolm Harrington, Hawkins, Jensen, Randall, Turner, Vogler and Wixson.

CARROLL: Allard, Russell Chase, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, LaMar, Miller, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew and Purrington.

GRAFTON: Adams, Arnesen, Blair, Christy, Dearborn, Driscoll, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Bass, Boutwell, Bowers, Burkush, Chretien, Cid, Cowenhoven, Cox, Cusson, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Dykstra, Fields, Nancy Ford, Grip, Marian Harrington, Hatch, Healy, Holden, Humphrey, Michael Jones, Keefe, Robert Kelley, Alice Knight, Lanzara, Lefebvre, Mason, Bonnie McCann, McRae, Messier, Moore, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Price, Sallada, Schneiderat, Leonard Smith, Steiner, Stonner, Tarpley, Turgeon, Vanderlosk, Kenneth Wheeler and Wood.

MERRIMACK: Beaton, Laurent Boucher, James Chandler, Fillion, Fraser, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Millard, Nichols, Phelps, Provencal, Walter Robinson, Stio, Tupper and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Ellyson, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Haynes, Hoar, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Rosencrantz, Schwanner, Scott, Sherburne, Skinner, Sochalski, Splaine, Sytek, Tufts, Vartanian, Vaughn, Warburton, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Lachance, Laurion, Martling, Parks, Francis Robinson, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Domini, Flint, Krueger, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 123

BELKNAP: Bowler, Golden, Hardy, Holbrook, Locke, Maviglio, Pearson and Lawrence Richardson.

CARROLL: Dickinson, Robert Holmes and Olimpio.

CHESHIRE: Cole, Corrigan, Daschbach, Daniel Eaton, Foster, Frink, Hunt, Matson, Morse, William Riley and Schwartz.

COOS: Lemire, Nelson, Oleson and Theriault.

GRAFTON: Chambers, Copenhaver, Densmore, Guest, Hammond, Stewart and Howard Townsend.

HILLSBOROUGH: Alukonis, Baker, Baldizar, Beaupre, Bourque, Buckley, A. Leslie Burns, Champagne, Daigle, Gerard Desrochers, Paul Dionne, Ducharme, Dupont, Dwyer, Joseph M. Eaton, Frank, Ruth Gage, Gagnon,

Genest, Granger, Scott Green, Guilbert, Gureckis, Betty Hall, Cornelius Keane, Donna Kelly, Korcoulis, Kurk, Leclerc, Levesque, Long, Lown, McGlynn, Morrisette, Robert Murphy, Packard, Pappas, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Soucy, Stiles, Sullivan, Wagner, Ware, Emma Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Dunn, Gilbreth, Hess, Alf Jacobson, Merton Mann, Pantzer, Rehlander, Gerald Smith, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Buco, Cressy, Cushing, Fesh, Elizabeth Greene, Hollingworth, Joyce, Lovejoy, Mace, Magoon, McGovern, Merchant, Pevear, Popov, Read, Sanderson, Seward, Tilton, Walker, Weddle and Welch.

STRAFFORD: Frechette, Sandra Keans, Pelley, Spear and Swope.

SULLIVAN: Behrens and Lindblade, and the report was adopted.
Referred to Appropriations.

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown. Ought to Pass.
This bill prohibits the use of any petroleum-powered motor on Little Diamond Pond in the town of Stewartstown. Electric motors are permitted. The quality of water in the pond is deteriorating. It is a small pond of average depth of only seven feet. The Committee felt the restriction contained in the bill is reasonable and prudent.
Vote 10-1. Rep. Roger Stewart for Transportation.

Rep. Albert Dionne offered an amendment.

Amendment

Amend RSA 486:33 as inserted by section 1 of the bill by replacing it with the following:

486:33 Little Diamond Pond.

I. No person shall use or operate any boat equipped with a power motor in excess of 10 horsepower on Little Diamond Pond in the town of Stewartstown.

II. If the test conducted on Little Diamond Pond in the summer of 1988 indicates oil pollution as a result of petroleum-powered motors, all petroleum-powered motors shall be banned on such pond as of January 1, 1989, and only electric-powered motors shall be permitted on such pond.

III. The department of environmental services shall determine from the test results whether or not oil pollution has resulted from petroleum-powered motors. The department of environmental services shall notify the department of resources and economic development whether or not, such pollution is found and the department of resources and economic development shall post the pond as appropriate.

IV. Any person who violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill, as amended, prohibits the use of any power motor in excess of 10 horsepower on Little Diamond Pond in the town of Stewartstown.

The bill further provides, that if the pond is found to be polluted by petroleum-powered motors after testing in the summer of 1988, as determined by the department of environmental services, power motors shall be banned effective January 1, 1989.

Rep. Albert Dionne explained the amendment.

Rep. Irvin Gordon spoke to the amendment.

Amendment adopted.

Ordered to third reading.

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control.(A) Inexpedient to Legislate.

This bill is almost identical to HB 836 which was killed last year. The positions are not needed till next biennium. Also at this time the fee system seems inadequate. Vote 15-0. Rep. Paul I. LaMott for Appropriations.

Rep. Dickinson moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Holbrook spoke in favor of the motion.

Motion adopted.

Rep. Dickinson offered an amendment.

Amendment

Amend RSA 149:8-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The division shall charge a fee for each review of plans, including project inspections, required under this section. The fee shall be based on the extent of contiguous area to be disturbed. The fee for plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be \$100. An additional fee of \$100 shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No permit shall be issued by the division until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the treasury as unrestricted funds.

III. Normal agricultural operations shall be exempt from the provisions of RSA 149:8-a. The division is authorized to exempt other state agencies from the permit and fee provisions of RSA 149:8-a provided that each such agency has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the division under this chapter. Timber harvesting operations shall be exempt from the fee provisions of this section. Permits shall be granted for timber harvesting operations provided that the department of revenue administration's intent to cut form is completed.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

The Clerk read the amendment.

Rep. Dickinson explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 1050-FN, relative to death benefits for beneficiaries of group II members.(A) Ought to Pass with Amendment.

As amended, this bill changes the lump sum payment made to a beneficiary upon a group II member's death after retirement. A payment of \$3,600 (current law) if the member retired before July 1, 1988 and \$5,000 if the member retired on or after July 1, 1988. The

sum of \$1,600,000 from the special account is designated to fund this improved benefit until the fund is exhausted at which time legislation will be required to continue the benefit. Vote 15-0. Rep. John B. Hammond for Appropriations.

Rep. Hawkins moved that HB 1050 be made a Special Order for Tuesday, March 22 at 1:30 p.m.
Adopted.

Reps. Richard H. Campbell, Fraser, Hawkins, Lockwood, Pearson, Tupper and Wixson offered the following:

HOUSE RESOLUTION NO. 71

honoring Belmont High School.

WHEREAS, Students Against Drunk Driving, the national organization known far and wide as SADD, has at Belmont High School a hardworking chapter comprised of twenty-five energetic, responsible and committed teenagers, and

WHEREAS, Operation Prom-Grad is a special program sponsored annually by Concord radio station WJYY-FM to encourage and promote alcohol-free and drug-free activities throughout the year with emphasis on prom and graduation season, and

WHEREAS, in 1987, Operation Prom-Grad involved more than five thousand students from fifteen New Hampshire high schools, and the Belmont High School chapter of SADD demonstrated its conviction and commitment to its purpose by motivating the student body to enthusiastically participate in the program, and

WHEREAS, Belmont High School, for having the most creative and well-planned anti-drinking-and-driving program and for its well-organized Prom-Grad activities, was awarded by radio station WJYY-FM the top cash prize of four hundred fifty dollars, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Belmont High School SADD chapter receive the highest of accolades and recognition for its achievement and devotion to its cause, and be it further

RESOLVED, that the students, faculty, staff and administration of Belmont High School be applauded and saluted for their support and commitment in dealing in a positive way with a serious social problem, and that a suitable copy of this Resolution be prepared for presentation to Belmont High School Principal, Robert C. Norton.

Adopted.

Reps. Moore and Sallada offered the following:

HOUSE RESOLUTION NO. 72

acknowledging the Observance of the 225th Anniversary of the
Town of New Boston and the Community Church.

WHEREAS, on the eighteenth day of February in the Year of Our Lord Seventeen Hundred and Sixty-Three, the Town of New Boston, New Hampshire was granted its charter, and

WHEREAS, on that same date, the newly-installed Town Fathers were instructed by the Colony of New Hampshire to meet and decide how to pay New Boston's preaching expenses for one year, and

WHEREAS, in the year Eighteen Hundred and Thirty-Nine, the First Presbyterian Society in New Boston was organized, and

WHEREAS, in May of Eighteen Hundred and Eighty-Seven, a fire destroyed the heart of the village including the church which was rebuilt and has remained in constant use right up to this very day, and

WHEREAS, New Boston has always been known as a patriotic town, with more than one hundred of her sons having served in the Revolutionary War, more than sixty in the Civil War, and scores more in other wars for freedom, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that New Boston and the Community Church be saluted on this occasion marking the two hundredth and twenty-fifth anniversary of Town and Church, and be it further

RESOLVED, that all of the residents of New Boston receive the warmest wishes from the House of Representatives, and that a suitable copy of this Resolution be prepared for presentation to the New Boston Historical Society.

Adopted.

PERSONAL PRIVILEGE

Reps. Schofield, Healy and Malcolm addressed the House under Personal Privilege.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 22 at 1:00 p.m

Adopted.

LATE SESSION

Third reading and final passage

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control.

SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children.

SB 325-FN, relative to providing support to families coping with a severely disabled child or young adult family member, using funds already appropriated.

SB 257, extending the reporting date of the biomass study committee.

SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood.

HB 645-FN, relative to school building aid.

HB 971-FN, relative to unclassified state employee salaries.

HB 1049-FN, relative to the travel allowance for members of the general court.

SB 260-FN, relative to detection of airborne radon in homes.

SB 268-FN, relative to litigation of small claims.

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:45 p.m.

RECESS

(Rep. Sara Townsend in the Chair)

ENROLLED BILLS REPORT

HB 41, providing that the condemnee, his heirs and assigns shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor.

HB 58, relative to the disqualification of local land use board members.

HB 705, relative to itinerant vendors.

HB 768, relative to the frequency of regional highway conferences.

HB 904, relative to the Vermont state income tax.

HB 922, relative to providing flags for use in school classrooms.

HB 954, relative to the boilers and pressure vessels law.

HB 989, relative to towed farm implements.

HB 1060, establishing a limitations period for claims of procedural defects in the enactment of municipal legislation.

Rep. Natalie S. Flanagan
Sen. John P.H. Chandler
For the Committee.

RECESS

(Rep. Beverly Gage in the Chair)

ENROLLED BILLS REPORT

HB 330, relative to an exception to the real estate transfer tax.

HB 499, relative to return of recovered property.

Rep. Raymond C. Buckley
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Harold Burns moved that the House adjourn.
Adopted.

COMMITTEE CHANGE

Rep. Phelps off Environment and Agriculture

Rep. Malcolm Harrington on Environment and Agriculture

HOUSE JOURNAL 15

Tuesday, 22Mar88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Gracious God, many things bring us to this chamber, and each of us comes with our own priorities and concerns. Some of us come to wheel and deal and slap on the back. Some of us come armed for battle, with our facts and figures and arguments. Some come with a sense of uneasiness about whether we truly accomplish what we set out to do.

Some of us are accused of having hearts of mush, and some heads of steel! Still others are inclined to decide everything based on the bottom line. Grant, O God, that we bring together all that we are -- our strengths and our shortcomings -- and here labor forthrightly for the good of this state and this nation. Amen.

Rep. Ahrens led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. D'Amante, McKee, McManus, Ann Derosier, Gross, Geraldine Watson, McIntire, Simon, Eunice Campbell, Gourdeau, Pantelakos, Kuchinski, Provencal, LaMar, Lussier and Flanagan, the day, illness.

Reps. Thurston, Coulombe, Rodgers, Hess, Lemire, Cusson, Holden, Nixon, Nagel, Musler, Magee, Bates and Ralph Torr, the day, important business.

Rep. Tarpley, the day, death in the family.

Reps. Gosselin, Wood, Joseph MacDonald and Hynes, the day, illness in the family.

INTRODUCTION OF GUESTS

Elsie Day, guest of Rep. Harold Burns; students from Vedberg, Germany, studying at Concord High School and their leader/teacher, Michael Krantz, guests of Rep. Hager; Helen Gordon and Sue Gordon Johnsen, guest of Rep. Irvin Gordon; Greta Whittemore, wife of Rep. Whittemore; Tani and Marlene Leach, guests of Rep. Marian Harrington; Sara Stonner, Trisha Currier, Dan Wyand and Tim Alden, eighth graders from the McKelvie Middle School in Bedford, daughter and guests of Rep. Stonner.

SENATE MESSAGES

NONCONCURRENCE

BB 1106-FN, establishing a committee to develop a program to license certain construction in public waters.

BB 952, establishing a legislative committee to study boating laws and rules relative to boating.

CONCURRENCE

HB 770-FN, relative to loan scam operators.

HB 774-FN, relative to the New Hampshire municipal bond bank.

HB 781, amending the uniform limited partnership act and making reference changes in the disclosure of security takeovers act.

HB 874, permitting every county attorney to appoint an assistant county attorney.

HB 966, relative to cellular radio telecommunications services.

HB 1074-FN, relative to prior service credit for the retirement system.

HB 1091-FN-A, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and making an appropriation therefor.

HB 1099-FN, making New Hampshire retirement system maximum benefit limitations comply with Tax Reform Act 1986.

HB 1203-FN-A, relative to the payment of a claim against the state and making an appropriation therefor.

APPOINTMENT OF CONFEREES

HB 756 - Reps. C. William Johnson, Cote, Thomas Gage and Francis Robinson.

HB 848 - Reps. Benton, Welch, Eleanor Anderson and Edward Flynn.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 803, changing the compliance dates for ATV manufacturers.
(Amendment printed SJ 3/10)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan, William Boucher, Perham and Albert Dionne.

HB 819, relative to the setting of black bear seasons. (Amendment printed SJ 3/17)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gerald Smith, Albert Dionne, William Boucher and Perham.

HB 881-FN, relative to weights and measures. (Amendment printed SJ 3/10)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Marilyn Campbell, Elizabeth Greene, Bowler and Popov.

HB 897, relative to annual reports of county officers. (Amendment printed SJ 3/10)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Roger King, Perry, West and Ruth Gage.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(7) final action on House Bills, be suspended on the following bill:

HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor. (A) Inexpedient to Legislate.

The subject of this bill has been incorporated in HB 1204. Vote 15-0. Rep. Donna P. Sytek for Appropriations.

SB 254-FN-A, making a supplemental appropriation for school aid. Inexpedient to Legislate.

The appropriation in this bill was added to the supplemental budget so this bill is not needed. Vote 16-0. Rep. Elizabeth Hager for Appropriations.

SB 259, relative to child custody. Ought to Pass with Amendment. This bill creates an exception to the presumption that joint legal custody is in the best interests of minor children if the court finds that domestic abuse has occurred. If domestic abuse has occurred, the court shall make custody and visitation orders which will protect abused family members. The amendment provides that when legal custody is granted, despite evidence of abuse, the court shall provide written findings to support the joint custody order. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 458:17, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Where the court finds that abuse as defined in RSA 173-B:1 has occurred, the court shall consider such abuse as harmful to children and as evidence in determining whether joint legal custody is appropriate. In such cases, the court shall make custody and visitation orders that best protect the children or the abused spouse or both. If joint legal custody is granted despite evidence of abuse, the court shall provide written findings to support the joint custody order.

AMENDED ANALYSIS

This bill, as amended, creates an exception to the presumption that joint legal custody is in the best interests of minor children if the court finds that domestic abuse has occurred. If domestic abuse has occurred, the court shall make custody and visitation orders which will protect abused family members.

The amended bill also requires the court to provide written findings in support of a joint custody order granted despite evidence of abuse.

SB 343-FN, relative to liability for expenses of children under the supervision of the division for children and youth services. Ought to Pass with Amendment.

This bill provides that the liability for expenses for a child who is under the supervision of the Division for Children and Youth Services shall remain with the county originally liable for the child's expenses, regardless of where the child may commit any subsequent acts which bring him to the attention of a district court. It amends the statute establishing liability for expenses for such children by providing that the county from which the child was referred to the court shall be the county liable for expenses. Vote 15-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by replacing section 4 with the following:

4 Liability for Expenses. Amend RSA 169-B:40, IV to read as follows:

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. *If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement.* When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.

5 Liability for Expenses. Amend RSA 169-C:27, IV to read as follows:

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. *If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement.* When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included except services which are already the responsibility of the appropriate school district under RSA 186-C.

6 Liability for Expenses. Amend RSA 169-D:29, IV to read as follows:

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. *If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement.* When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included except services which are already the responsibility of the appropriate school district under RSA 186-C.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that the liability for expenses for a child who is under the supervision of the division for children and youth services shall remain with the county originally liable for the child's expenses, regardless of where the child may commit any subsequent acts which bring him to the attention of a district court.

The bill also amends the statute establishing liability for expenses for such children by providing that if the court's jurisdiction crosses

county lines, then the county from which the child was referred to the court shall be the county liable for expenses.

SB 319, relative to cancellation of insurance policies. Ought to Pass with Amendment.

This bill, as amended, provides that no insurance company may cancel any type of policy for non-payment, if the payment is actually received before the date and time of cancellation. There was no opposing testimony to the bill. The amendment, adding the phrase, "or termination," was suggested by the life and health insurance industry, because by federal and state statutes life or disability insurance cannot be canceled, it can only be terminated. Vote 12-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to cancellation or termination of
insurance policies.

Amend the bill by replacing section 1 with the following:

1 Cancellation or Termination of Insurance Policies for Nonpayment of Premiums. Amend RSA 402 by inserting after section 79 the following new section:

402:80 Cancellation or Termination of Policies. No cancellation or termination of an insurance policy of any type for nonpayment of a premium shall be effective if:

I. Payment of the premium is actually received by the insurance company; and

II. Payment of the premium is sent by certified mail before the effective date and time of cancellation or termination of the policy as stated in the notice of cancellation or termination, or is received by the insurance company's agent before such date.

AMENDED ANALYSIS

This bill, as amended, provides that no insurance company may cancel or terminate any type of insurance policy for nonpayment of a premium, if the payment of the premium is actually received by the company and if the insured sends his premium payment by certified mail before the effective date and time of cancellation or termination or is received by the company's agent before such date.

SB 337-FN, adopting the uniform federal lien registration act. Ought to Pass.

Adoption of the Uniform Federal Lien Registration Act will expedite the process of property title searches. Buyers will have better notice. Currently, certain property liens are now filed only in Federal District Court in Concord. Under this act, these liens will be filed with the county, city or town, thus reducing the costs of title searches and making the search process easier. Vote 12-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

SB 255, relative to school district boundaries. Ought to Pass with Amendment.

Senate Bill 255 is an act dealing with the Lisbon Special School District and its Landaff setoff which has dealt with a unique situation of a school district which, for demographic or geographic reasons, established prior to 1921 the Lisbon Special Setoff District to accommodate students in the Town of Landaff, living adjacent to Lisbon to be part of the Lisbon neighborhood and school district. The Lisbon School District has voted to annex this district and this measure, as amended, will deal with the proceedings for annexation and give the Town of Landaff ample time to handle the annexation. Vote 17-0. Rep. Patricia M. Skinner for Education.

Amendment

Amend RSA 194:55, as inserted by section 1 of the bill by replacing it with the following:

194:55 Restoration. Any territory annexed for school purposes to an adjoining town, or school district therein, may, upon proceedings such as have been prescribed in [the foregoing section] *this subdivision*, be restored to the town or district from which it was severed. *Such proceedings may be initiated by any person in either the school district to which the territory has been annexed, or the school district of which it was originally a part. The vote to restore annexed territory shall take effect on July 1 of the calendar year one year subsequent to the date on which the restoration vote is passed. For 3 years after such vote becomes effective, the restored territory shall be allowed to send their school children to the schools in the district to which the territory was previously annexed. The district in which the schools are located shall receive tuition for these school children.*

AMENDED ANALYSIS

This bill, as amended, specifies that territory annexed to another town or school district for school purposes may be returned to its original town or district after proceedings initiated by any person in either the school district from which the territory was severed, or the school district to which the territory was annexed.

The bill, as amended, makes provisions for the effective date of a vote to restore annexed territory, and also sets a period of time during which this territory may send its school children to the schools in the district to which it was previously annexed.

This provision does not affect special districts.

SB 269-FN, relative to indoor air quality in certain state buildings. Ought to Pass.

Indoor quality air has become an acute problem in buildings like Health and Human Services on Hazen Drive. The Committee raised questions as to why the University system was to be exempt. Senator Krasker stated that we, in the state, need to "get our house in order" before extending it into other public and private buildings. Detailed testimony was presented by the State Employees' Association describing the problems and progress that is being accomplished at the Health and Human Services Building. That mistake should not be permitted to be made again if this bill is passed. Vote 15-1. Rep. Katherine D. Foster for Health and Human Services.

SB 293-FN, relative to asbestos management. Ought to Pass with Amendment.

Senate Bill 293 puts the State of New Hampshire in compliance with the Federal Environmental Protection Agency's model plan set forth in 40 CFR 763 - Subpart E; Appendix C. This became law *after* the State Law was passed and therefore this bill was requested by the

Division of Public Health Services. Vote 15-0. Rep. Mary J. Sullivan for Health and Human Services.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Rulemaking; Compliance with Federal Statute. Amend RSA 141-E:4, I(b) to read as follows:

(b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects. *Such training, licensure, and certification requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.*

4 Rulemaking; Compliance with Federal Statute. Amend RSA 141-E:4, I(g) and (h) to read as follows:

(g) The licensure of owners, managers, and contractors undertaking asbestos abatement under RSA 141-E:10. *Such licensure requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.*

(h) The certification and training of employees engaged in asbestos abatement under RSA 141-E:11. *Such certification and training requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.*

5 New Paragraph; Licensure; Reciprocity. Amend RSA 141-E:10 by inserting after paragraph III the following new paragraph:

IV. The division may grant a license to an applicant if the applicant is licensed by another state whose standards for licensure are substantially equivalent to the provisions of this section and the rules adopted by the division.

6 Certification of Employees; Training and Examination Requirement Deleted. Amend RSA 141-E:11, I to read as follows:

I. Employees of owners, managers, or contractors who engage in asbestos abatement shall first obtain a certificate of training from the division. [No certificate shall be issued unless the employee has taken a course of training in asbestos control and removal, and passed an examination administered or approved by the division.]

7 Repeal. RSA 141-E:11, III, relative to acceptance of training courses in asbestos abatement, is repealed.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, incorporates several changes in the law relating to asbestos management and control as mandated by P.L. 99-519, which established national standards for asbestos management and abatement activities. These provisions deal mainly with asbestos abatement in school buildings. The bill also gives the director, division of public health services, rulemaking authority relative to exemptions from asbestos abatement certification requirements. The training and examination requirements for people who engage in asbestos control and removal are deleted, although the director still has rulemaking authority relative to the certification and training of such persons.

The bill, as amended, requires the director, division of public health services, to adopt training, licensure, and certification requirements relative to asbestos abatement and removal at least as

stringent as those of the federal Environmental Protection Agency's model plan for asbestos abatement and removal.

This bill was requested by the division of public health services.

SB 299-FN, relative to deeds. Ought to Pass with Amendment.

This bill is purely a housekeeping measure. SB 299 cleans up the law relating to the validity of boundary line agreements and deeds which were amended during former legislative sessions, but were not consistently amended throughout the law. Vote 15-0. Rep. Deborah L. Arnesen for Judiciary.

Amendment

Amend RSA 477:7 as inserted by section 2 of the bill by replacing it with the following:

477:7 Validity. No deed of bargain and sale, mortgage nor other conveyance of real estate, nor any lease for more than 7 years from the making thereof, shall be valid to hold the same against any person but the grantor and his heirs only, unless such deed or lease be [attested,] acknowledged and recorded, according to the provisions of this chapter. All deeds which have been acknowledged and recorded according to the provisions of this chapter since August 15, 1981, but which were not attested to, shall be considered valid under this section.

AMENDED ANALYSIS

This bill eliminates the requirement that a boundary line agreement be sealed.

This bill also removes the requirement that deeds be attested. As amended, the bill states that deeds which have been properly acknowledged and recorded, but not attested to, since August 15, 1981, are valid.

SB 317-FN, relative to master plans and their housing sections. Ought to Pass with Amendment.

This bill, as amended, requires that (1) the housing section of the master plan address current and future housing needs, including the needs of families of low and moderate income; (2) the regional planning commissions shall compile a regional housing needs assessment. The amendment deletes two provisions which testimony indicates are doubtful constitutionally and doubtful appropriations. Vote 13-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to master plans and their housing sections and
relative to the compilations of regional housing
needs assessments.

Amend the bill by deleting sections 2 and 3 and renumbering section 4-5 to read as 2 and 3 respectively.

AMENDED ANALYSIS

This bill adds the requirement that housing sections in master plans must include the housing needs of persons and families with low and moderate incomes.

As amended, the bill adds a definition of persons and families of low and moderate income.

As amended, the bill also requires each regional planning commission to compile a regional housing needs assessment, which must be updated every five years.

SB 298-A, relative to student housing at the New Hampshire technical institute and making an appropriation therefor. Ought to Pass. Students at the Technical School are beset with an extreme shortage of housing in a community where school-year rental units are both expensive and hard to find. In 1965, 42% of the Technical Institute student body could live on campus. By 1986, that figure dropped to 29%, and this Fall will be less than 20%. Many of the students live beyond a reasonable commuting distance; 35% between 21-40 miles, and 20% beyond 40 miles. Since 1979, the waiting list for housing has averaged 150 students.

The capital outlay will be amortized over a 30-year period. The cost of this project, including all operating costs, will be paid for by the students residing in the residence halls. The proposed 200-bed dorm will enable 376 students to live on campus. Vote 15-0. Rep. James A. Chandler for Public Works.

Referred to Appropriations.

SB 305-FN, relative to pari-mutuel pools at dog races. Ought to Pass with Amendment.

This bill authorizes a reduction in the Dog Racing Pari-mutuel Tax on exotic betting from 4% to 3% and requires those funds to be spent on race track capital improvements and promotions to increase attendance and net revenues.

Declining participation at dog tracks indicate a need to protect this source of revenue that the state relies upon.

We have come to rely upon the revenue that is generated through the Pari-mutuel Tax, Business Profits taxes, Rooms and Meals taxes and other revenues related to the dog tracks. Local communities benefit from the property taxes, daily race fees and employment opportunities. Substantial capital improvements and tax credits to competing dog tracks in Massachusetts by their Legislature have given them advantages over our tracks and the industry. Therefore, threatening our revenues and that industry.

The bill further requires a report to the Legislature, paid for by these funds, of the dog racing industry, due back in November.

It is up to this Legislature to recognize the impending problems and authorize this 5-year tax credit for promotional purposes and improvements.

Similar tax credits in the past have resulted in net increases in state revenue. The Pari-mutuel Commission retains final approval of the expenditure of the funds as well as required audits. Vote 11-1. Rep. James D. Phelps for Regulated Revenues.

Amendment

Amend RSA 284:23, II-b as inserted by section 2 of the bill by replacing it with the following:

II-b. In addition to the payments provided for in RSA 284:23, II-a, a sum equal to 4 percent of the total contributions to all such pari-mutuel pools other than win, place, and show pari-mutuel pools shall be allocated as follows: (a) 3 percent to the state treasurer; and (b) until June 30, 1993, one percent to each licensee to be used for capital expenditures for alterations, additions, replacements, changes, improvements, or major repairs to or upon the property owned or leased by

any such licensee and used for such dog races or to create a fund for advertising, promotional and marketing purposes, including reducing the costs of admission, programs, parking and concessions. A pari-mutuel licensee shall deposit such moneys received under subparagraph (b) in a separate interest-bearing account for each race track.

Amend the introductory paragraph of RSA 284:23, II-f(a) as inserted by section 2 of the bill by replacing it with the following:

II-f.(a) Within 30 days after the effective date of this paragraph the legislative budget assistant holding office under RSA 14:30 shall engage a public accounting firm, which is not employed by any of the licensees under RSA 284, and which is qualified to conduct economic studies and analyses, to make an analysis of the pari-mutuel racing industry as conducted in the state of New Hampshire and to make a report not later than November 15, 1988, to the ways and means committee of the senate and the regulated revenues committee of the house of representatives. The report shall cover the following subjects and such other topics as the analysts may deem relevant to the successful operation of pari-mutuel racing:

Referred to Appropriations.

SB 318-FN, establishing a committee to study the feasibility of establishing a New Hampshire zoological park. Ought to Pass.

This bill establishes a committee to study the feasibility of establishing a New Hampshire zoological park on the site of Benson's Zoo. The bill requires the Committee to submit its report no later than December 1, 1988. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

SB 286, relative to exchanging police information, on a reciprocal basis, with other states. Ought to Pass.

This bill would facilitate the exchange of police information with other states that are willing to cooperate on a reciprocal basis. The Senate's amendment provides a commissioner the authority to enter into cooperative exchanges, and resolve several particular concerns whenever certain neighboring states are involved. Vote 11-0. Rep. Ednapearl F. Parr for State-Federal Relations.

SB 287, relative to police assistance from other states. Ought to Pass.

The bill reinforces the intent of the sponsors to enable police officers of New Hampshire municipalities on or near the border of neighboring states, to enter into written agreements of assistance; to be effective as law when one of the bordering states enact a similar law. Vote 11-0. Rep. Ednapearl F. Parr for State-Federal Relations.

SB 354-FN, establishing a Connecticut River bridge advisory commission. Ought to Pass.

This bill would help establish the means for facilitating interstate cooperation between Vermont and New Hampshire officials, and would spell out, for the proposed commission, the formulas for resolving disputes regarding the maintenance and repair of bridges over the Connecticut River between the two states. Vote 10-0. Rep. Ednapearl F. Parr for State-Federal Relations.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(7) final action on all House Bills, and Joint Rule 10(a) both bodies shall take final action on all bills and joint resolutions no later than the third Thursday of February in 1988 (February 18) on the following bill:

HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS
(Regular Calendar)

HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system. (A) Ought to Pass with Amendment. This bill provides for probation and parole officers to be included in group II of the retirement system. The bill also requires a certified training program for such positions to be developed by the Police Standards and Training Council and that probation and parole officers pass the program before becoming members of group II. The amendment spells out the steps which must be taken by the Commissioner of Corrections before any present incumbent can be transferred to group II and the requirements for any new recruits to qualify for employment. The amendment further protects present incumbents who may not be able to pass the certification program from being downgraded salarywise. It also provides that when a vacancy occurs the positions will be filled by someone meeting the requirements established by this act. The Executive Secretary of the New Hampshire Retirement System testified that the impact on the system would be about \$70,000 per year which can be paid without any increase in the contribution rate. Vote 16-3. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend RSA 100-A:1, VII-a(c) as inserted by section 1 of the bill to read as follows:

(c) Any probation and parole officer employed full-time by the department of corrections, who has close and immediate contact with convicted felons on a regular basis, who as a job requirement has satisfied minimum standards for physical condition, education and training as approved by the police standards and training council and is certified as a probation and parole officer, and who as a job requirement has completed a certified training program for probation and parole officers, within a reasonable period not to exceed one year after the date of hire, which has been certified by the director of the police standards and training council to the board of trustees.

Amend RSA 100-A:1, VII(d)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) As a job requirement is fully certified as a probation and parole officer after successful completion of a certified training program, within a reasonable period not to exceed one year after the date of hire, which has been certified by the director of the police standards and training council to the board of trustees; and

Amend the bill by replacing section 3 with the following:

3 Application.

I. The commissioner of corrections shall notify the board of trustees of the New Hampshire retirement system that a certified training program for probation and parole officers has been established, and that such training program has been made a job requirement for probation and parole officers.

II. The commissioner shall have until July 1, 1988, to make the notification to the board of trustees. If the notification is not complete by July 1, 1988, the provisions of this act shall not take effect until the notification to the board is made.

III. The provisions of this act, when effective, shall apply prospectively to probation and parole officers who are now members of group I in the New Hampshire retirement system, and such persons upon retirement shall be entitled to receive split benefits as provided in RSA 100-A.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5 and 6, respectively:

4 Application.

I. Incumbent full-time probation and parole officers shall have one year after the effective date of this act to complete a certified training program. Incumbent full-time probation and parole officers who do not meet all the requirements of the certified training program required under RSA 100-A:1, VII-a(c) as inserted by section 1 of this act or as required by RSA 100-A:1, VII(d)(2) as inserted by section 2 of this act shall remain in their positions on the effective date of this act, and subject to the provisions of paragraph II.

II. The incumbent full-time probation and parole officers who do not meet all the requirements of the certified training program shall remain in their positions, provided that the job descriptions and titles for their positions are changed following the effective date of this act to distinguish their positions from probation and parole officers as defined in section 1 or section 2 of this act. Such incumbent full-time probation and parole officers shall remain in group I of the New Hampshire retirement system until a vacancy in the position occurs. When a vacancy occurs, the position of the incumbent officer shall be reclassified to that of a probation and parole officer which meets the requirements of RSA 100-A:1, VII-a(c) as inserted by section 1 of this act, or RSA 100-A:1, VII(d) as inserted by section 2 of this act.

AMENDED ANALYSIS

As amended, this bill includes full-time probation and parole officers employed in the department of corrections in group II of the New Hampshire retirement system, if the commissioner of corrections notifies the retirement system board of trustees by July 1, 1988, that a certified training program for probation and parole officers has been established, and that such training program has been made a job requirement for those officers. If the notification is not completed by July 1, 1988, the provisions of the bill do not take effect until the notification to the board is made. Incumbent officers have one year to complete the training program.

As amended, incumbent full-time probation and parole officers who do not meet all the requirements of the certified training program remain in their positions and in group I, provided that their job descriptions and titles are changed. When vacancies occur in these positions, the position is to be reclassified to that of a probation and parole officer which meets the requirements established by this act.

Amendment adopted.

Ordered to third reading.

HB 1204-FN-A, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill combines HB 1204-FN-A relative to emergency shelter and HB 617 relative to an affordable housing fund. As amended, the bill appropriates \$3,000,000 from the general fund to be matched 50/50 by private organizations to provide emergency shelter and programs for the homeless.

Additionally the bill establishes an affordable housing fund of \$4,000,000 generated from the sale of state general obligation bonds. The fund, which will be administered by New Hampshire Housing Finance Authority, will be used to preserve and maintain about 500 housing units for low and moderate income families. Under the bill, nonprofit entities may apply for low interest loans which, when leveraged with conventional financing, will enable them to purchase housing units which will then be permanently removed from the speculative cycle thereby avoiding the greatest cause of large rent increases. Vote 13-2. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$3,000,000 is hereby appropriated for the biennium ending June 30, 1989, to the division of mental health and developmental services, department of health and human services, for the purposes of RSA 126-A:43-c and RSA 126-A:43-d. These funds shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 4 with the following:

4 Findings and Statement of Intent.

I. There now exists in many cities and towns in the state an acute shortage of decent, safe, and sanitary housing available at costs which low or moderate income people can afford. This shortage results from both public and private actions, such as the taking of property for public facilities, the conversion to condominiums or other higher cost shelter of housing previously affordable to low or moderate income persons, and the abandonment of low income housing programs. Federal financing for the creation and satisfactory operation of such housing has in recent years been severely curtailed. Because New Hampshire is one of the fastest growing states in the United States, the state has been unable through its current programs to keep pace with the growing need for such housing.

II. All of these developments have led to an increase in the number of low or moderate income persons who have become displaced, are

about to become displaced, or are denied access to housing which is decent, safe, and sanitary.

III. Within the next decade, contracts and programs providing federal assistance to low income persons in this state will expire, causing these persons to lose their ability to afford adequate shelter.

IV. The existing shortage in the state of decent and affordable housing for low income persons is inimical to the safety, health, and welfare of all of the residents of the state and inhibits sound growth of its communities.

V. In view of the necessarily high costs in this state of constructing and maintaining decent housing, even of the most modest design and appointments, this housing emergency cannot be met by the private sector nor by municipal or regional housing agencies without public participation.

VI. It is therefore necessary that a recyclable fund be created which can maximize private investment primarily for the preservation and maintenance of the stock of affordable housing so as to minimize the need for future public subsidies.

5 New Subdivision; Affordable Housing Fund. Amend RSA 204-C by inserting after section 55 the following new subdivision:

Affordable Housing Fund

204-C:56 Definitions. As used in this subdivision:

I. "Affordable housing" means:

(a) Housing whose combined rental and utility costs or combined mortgage loan debt services, property taxes and required insurance do not exceed 30 percent of the gross income of persons of low or moderate income, as the case may be.

(b) In cases where there is no direct federal or state rental assistance being provided to the unit or the tenant who occupies it, a housing unit may be deemed affordable if the monthly rent does not exceed 1/12 of the tenant's pro rata share of the annual operating expenses, mortgage payments, and real estate taxes for the project; provided that:

(1) In no case shall depreciation of real or personal property be deemed an operating expense; and

(2) The rent does not exceed the applicable fair market rent, as published from time to time by the United States Department of Housing and Urban Development pursuant to the section 8 existing housing or "housing voucher" programs, 42 U.S.C. section 1437f.

(c) Notwithstanding any other provisions of this section, a unit which exceeds the fair market rent as defined in subparagraph I(b)(2) of this section may be deemed affordable by the housing finance authority if the authority makes the following specific findings:

(1) Assistance from the fund is necessary to prevent the displacement of low or moderate income tenants from a project in which the majority of tenants are of low or moderate income; and

(2) The applicant has made all reasonable efforts to obtain rental assistance for low or moderate income tenants who will be forced to pay more than 30 percent of their income for rent; and

(3) The rents proposed by the applicant are as low as the applicant can possibly charge without endangering the financial and physical integrity of the project.

II. "Eligible applicants" means:

(a) Nonprofit corporations which have obtained or are in the process of obtaining tax exempt status pursuant to section 501 (c) (3) of the United States Internal Revenue Code. The authority shall not enter into any final grant or loan contract with a nonprofit corporation until the corporation's tax exempt status has been obtained.

(b) Consumer cooperatives created pursuant to RSA 301-A which limit the equity value of cooperative shares.

- (c) Local housing authorities created pursuant to RSA 203.
- (d) Units of local government.
- (e) The New Hampshire housing finance authority.
- (f) Regional planning commissions created pursuant to RSA

36.

(g) Limited partnerships, if the general partner is a nonprofit corporation which has obtained or is in the process of obtaining tax exempt status pursuant to section 501(c)(3) of the United States Internal Revenue Code.

III. "Fund" means the affordable housing fund established by RSA 204-C:57.

IV. "Person of low income" means any single individual or any family whose gross income is less than 50 percent of the median income of, respectively, all single persons or all families, adjusted for number of members, residing in the applicable geographical area of the state.

V. "Person of moderate income" means any single individual or any family whose gross income is between 50 and 80 percent of the median income of, respectively, all single persons or all families, adjusted for the number of members, residing in the applicable geographical area of the state.

204-C:57 Fund Established.

I. There is hereby established within the authority an affordable housing fund. All revenues collected from the sources described in RSA 204-C:59 or from government appropriations or grants shall be credited to the fund, but such revenues shall not be deemed to be money received on account of the state, and nothing in this subdivision shall be understood as pledging the faith and credit of the state. Such funds shall be used by the authority to facilitate the purchase and rehabilitation or construction of permanent, affordable housing primarily for low and moderate income persons and families, as provided in paragraph II, and for pre-construction technical assistance to entities which undertake such efforts.

II. The authority shall enter into contracts for grants and loans with eligible applicants according to standards and rules that the authority shall adopt and publish, provided that in entering into contracts pursuant to this section, the authority shall give priority to the permanent, affordable housing projects which meet one or more of the following criteria:

(a) Projects containing the highest percentage of housing units which are affordable to low income people;

(b) Projects containing the longest commitment to low-income people;

(c) Limited equity cooperatives, including, but not limited to, manufactured housing parks and apartment buildings, in which the majority of members are of low or moderate income;

(d) Projects containing the maximum number of units for low or moderate income families with children; and

(e) Projects which shall preserve the existing stock of low and moderate income housing.

No application from an eligible applicant shall be rejected solely or primarily because a greater level of assistance will be required to make the proposal feasible due to market conditions prevailing in the geographical area as opposed to other areas of the state.

III. In granting assistance pursuant to paragraph II, the authority shall make all reasonable efforts to assure that all geographic areas from which there are proposals satisfying the criteria of paragraph II shall receive assistance.

IV. No assistance shall be granted for any project in which more than 50 percent of the units are to be occupied by persons who are not of low or moderate income.

V. Prior to granting any assistance pursuant to RSA 204-C:57, II, the authority shall find with respect to each such commitment:

(a) That there exists a shortage of decent, safe and sanitary housing available at costs which low or moderate income persons can afford within the general housing market area, as determined by the authority;

(b) That without the assistance contemplated by such commitment, private enterprise cannot supply such housing in such general housing area market area at rentals or carrying charges which low or moderate income persons can afford without the expenditure of more than 30 percent of their income; and

(c) That the assistance contemplated shall preserve or increase the supply of decent, safe and sanitary housing for low or moderate income persons and shall be of public use and provide a public benefit.

204-C:58 Oversight of Projects. During the course of construction or rehabilitation of housing in any approved project, it shall be the duty of the authority to render technical assistance to the entity undertaking the project and to oversee the process so as to assure that it is completed in accordance with design specifications, on schedule and within budgetary limits. In case any such project appears to be deviating from specifications, schedule or budget, the authority shall have the option of terminating the project, continuing the project subject to such conditions as appear to the authority to be in the public interest, or condoning the deviations if the authority concludes that they are acceptable. If the authority determines that the entity in charge of the project is not competent to carry the project forward but that the project is still worth completing, it may oust the entity and complete the project through such other means and agents and under such financial conditions as it determines to be in the public interest.

204-C:59 Capitalization of Fund. The affordable housing fund shall be capitalized with donations, transfers, set asides, or appropriations authorized by law, including, but not limited to:

I. Fees paid to the authority from the development of qualified residential rental projects financed by bonds issued under section 142(d) of the Internal Revenue Code of 1986, as amended, including projects in operation as of July 1, 1988

II. Repayment of loans made by the fund.

III. Voluntary donations from private persons and entities.

204-C:60 Investments of Funds. Moneys deposited in the fund may be invested by the authority; provided, however, that sufficient funds are made available to grant applications for emergency assistance and the routine flow of regular applications. Income earned from such investment shall be returned to the affordable housing fund; provided, however, that the authority may use up to 8.4 percent of any such investment income to defray the costs of administering this subdivision.

204-C:61 Role of Authority Concerning Funds. The fund shall supplement, not supplant, the responsibility of the authority to address the housing needs of persons of low and moderate income.

6 House Financing Authority. Amend RSA 204-C:3 to read as follows:

204-C:3 Housing Finance Board. The powers of the authority shall be vested in 9 members, comprised of men and women, to be appointed by the governor with the advice and consent of the council. One member of the board shall be a person having experience in the construction of single-family real estate; one member shall be a person having experience with the business of selling or renting real estate; one member shall be a person having experience in residential mortgage banking; *one member shall be the designee of the New Hampshire Association of Public Housing Authorities; one member shall be a person having experience in representing the interests of low income people;* and at least 2 members shall be persons representing the general public who [are neither bankers, builders, nor in the business of selling or renting real estate] *would not qualify for any of the above positions.* No more [the] *than 5 members shall be of the same political party.* The governor

shall appoint annually a chairman and the members shall elect annually from among their number a vice-chairman and such officers as they may determine. Terms of board members shall be 5 years, except that all vacancies shall be filled for the unexpired term. [In 1986, members shall be appointed to the following terms: one member to a one year term, 2 members to a 2 year term, 2 members to a 3 year term, 2 members to a 4 year term, and 2 members for a 5 year term.] No member may serve more than 2 full consecutive terms. No member of the board shall serve on any other state board, commission, or in any other state agency, during his term of office as a member of the housing finance board. A member shall hold office until his successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out his duties under this chapter. *The housing finance authority board members in office as of July 1, 1988, shall continue in office for the remainder of their terms and until their successors are appointed and qualified. Such members shall be eligible for reappointment. As vacancies occur, and provided that the requirements as to other designated members are followed, appointments shall be made to fill the positions designated for the local housing authorities and low income organizations.*

7 New Paragraph; Rulemaking. Amend RSA 204-C:9 by inserting after paragraph XIII the following new paragraph:

XIV. Procedures for application, review of applications, collection and disbursement of funds, and guidelines for eligible projects and such other matters necessary for the administration of the affordable housing fund. Notwithstanding the provisions of RSA 204-C:53, rules for the affordable housing fund, as authorized by this paragraph, shall be adopted by the authority pursuant to RSA 541-A.

8 Findings. Amend RSA 204-C:20, I to read as follows:

I. That, with respect to rental multi-family housing, eligible elderly and low income [person] *persons* and families can afford the adjusted rental or carrying charges set for a reasonable number, as determined by the authority, but in no event fewer than 1/8 of the units in the housing, to be financed pursuant to such commitment without the expenditure of more than [25] 30 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except telephone; provided, however, that, if necessary to make the project financially feasible, such percentage of annual income may be increased to 32 percent; and provided further that, if, in order to meet federal requirements or to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased, or based on the federal requirement, if applicable.

9 Appropriation. The sum of \$4,000,000 is hereby appropriated for the fiscal year ending June 30, 1989, to the housing finance authority for the purposes of this act. This appropriation shall be non-lapsing.

10 Bonds Authorized. To provide funds for the appropriations made in section 9 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

11 Repeal. RSA 204-C:13, relative to lending institutions and purchase of mortgage loans for single family housing, is repealed.

12 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill establishes an emergency shelter program for the purpose of making available additional emergency shelter facilities and maintaining

them. Under this bill, the general court may specifically appropriate funds which are to be granted to private nonprofit organizations on an equal matching grant formula basis for use in renovating buildings for temporary emergency shelter facilities. These funds may also be used to provide additional beds, maintenance, and essential services for existing shelters.

The bill, as amended, establishes a commission to advise the director of the division of mental health and developmental services on matters relating to the emergency shelter program established under this bill. The initial members of the commission shall consist of the current members of the task force on homelessness established by 1987, 113:2.

The bill appropriates \$3,000,000 for the biennium to the division of mental health and developmental services, department of health and human services, for the purposes of this program.

This bill establishes an affordable housing fund within the New Hampshire housing finance authority for the purpose of funding the development of housing for low and moderate income people.

The fund will be administered by the New Hampshire housing finance authority, which will review applications, contracts, and policies for the fund.

Moneys for the fund will come from developers' fees, repayments of loans from the fund, and donations.

The bill appropriates \$4,000,000 to the housing financing authority for the purposes of the bill, and authorizes the treasurer to issue bonds to provide these funds.

Amendment adopted.

Ordered to third reading.

SB 276-FN, establishing a panel to address the effectiveness of the delivery of services to children and their families. Ought to Pass with Amendment.

This bill expands an existing oversight committee to study and monitor all aspects of services provided to children through the State Division for Children and Youth Services. This also provides the supplemental appropriation to the Division to continue the funding for court-ordered placement of children through Fiscal Year 1988. Vote 16-0. Rep. Robert L. Jones for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the delivery of services to children and their families, the division of children and youth services, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee to Study Services; New Members and Duties. Amend 1987, 402:28 to read as follows:

402:28 Joint Committee to Study Services Provided to Children. There is hereby established a joint committee to study and monitor all aspects of services provided to children through the division for children and youth services.

1. The committee shall consist of:

(a) 2 members of the house appropriations committee and 2 members of the house children, youth and elderly affairs committee, who shall be appointed by the speaker of the house.

(b) 4 members of the senate who shall be appointed by the senate president.

(c) *The following, who shall serve as non-voting members, except that they shall be entitled to vote when the committee addresses the duties outlined in subparagraphs II(c) and (d) of this section:*

(1) *the director of the division of public health services, or his designee;*

(2) *the director of the Child and Family Service of New Hampshire, or his designee;*

(3) *the director of the division for children and youth services, or his designee;*

(4) *the director of the division of mental health and developmental disabilities, or his designee;*

(5) *the director of the division of human services, or his designee;*

(6) *the commissioner of education, or his designee;*

(7) *the attorney general or his designee;*

(8) *one person representing the New Hampshire Task Force of Child Abuse and Neglect, appointed by the governor;*

(9) *one person representing the New Hampshire Chapter of the American Academy of Pediatrics, appointed by the governor;*

(10) *one person representing the New Hampshire judicial council, appointed by the governor;*

(11) *one person representing the New Hampshire Group Home Association, appointed by the governor;*

(12) *2 persons appointed by the governor on the basis of their commitment to child advocacy issues;*

(13) *one member of the New Hampshire Association of Counties, appointed by that organization; and*

(14) *one full-time judge and one part-time judge of the New Hampshire district court system, appointed by the President of the New Hampshire Judges' Association.*

II. The committee shall:

(a) *Examine the division's changing needs and the efficiency of the division's implementation of legislative programs.*

(b) *Examine all financial aspects of the operations of the division.*

(c) *Assess the needs for and make recommendations regarding the improvement of services to children in this state.*

(d) *Develop a children's agenda for presentation to the legislature, including an evaluation of how adequately the services now offered address the needs of the children of this state, and any proposed legislation the committee has developed.*

III. The division for children and youth services shall establish and operate a case financial tracking and management system for the most expensive 10 percent of its cases and shall report quarterly to the committee on the results thereof. The joint committee shall report by January 1 of each year on its findings and activities to the speaker of the house and the senate president.

2 Supplemental Appropriation; Department of Health and Human Services; Division for Children and Youth Services. Amend 1987, 400:1.05, 02, 03, 02, 07 to read as follows:

05 Health and social services

02 Department of health and human services

03 Division for children and youth services

02 Bureau of children

07 DCYS - settlement

90 DCYS settlement

FY 88
[16,419,437]
21,510,211

FY 89
16,199,171

Total	[16,419,437] 21,510,211	16,199,171
Estimated source of funds for		
DCYS - settlement		
00 Federal funds	{600,000}	600,000
	-0-	
05 Private of local funds	{3,954,858}	3,899,793
	5,322,783	
General fund	{11,864,579}	11,699,378
	16,187,428	
Total	[16,419,437] 21,510,211	16,199,171

3 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by this act.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, adds a number of non legislative members to the joint committee to study services provided to children. The bill also adds some new duties to the committee's existing duties.

The bill, as amended, makes a supplemental appropriation to the division of children and youth services for the fiscal year ending June 30, 1988.

Amendment adopted.

Referred to Appropriations.

SB 288-FN, relative to placing articles on the official ballot. Ought to Pass with Amendment.

The vote reflected the reluctance of the Committee to endorse the status quo of the "official ballot." As the bill is written it does define what can and cannot be on communities' official ballots, i.e. ARTICLE IV bonds and notes shall not be on the official ballot. The majority feels this bill should pass, but all agree a better definition of "official ballot" is needed next term. Vote 8-5. Rep. Gerard E. Powers for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to placing articles on the official ballot and to
declarations of candidacy in towns which have
adopted the non-partisan ballot system.

Amend the bill by replacing all after section 1 with the following:

2 Nominations; Non-Partisan Ballot System. Amend RSA 669:19 to read as follows:

669:19 Nominations; Non-Partisan Ballot System. In a town which has adopted the non-partisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk [no earlier than the seventh Wednesday nor later than the sixth Friday before the town election] *during the filing period for town candidates. Such filing period shall be 10 days in duration, beginning on the seventh Wednesday before the town election.* Such declaration of candidacy shall be prepared by the town clerk in substantially the following form:

I,, declare that I am domiciled in the town of, and that I am a registered voter therein; that I am a candidate for the office of and hereby request that my name be printed on the official non-partisan ballot of the town of At the time of said filing, each candidate shall pay to the town clerk a filing fee of \$1 for the use of the town, provided that a candidate for a town office which carries no salary or other compensation shall be entitled to file his declaration without the payment of a filing fee.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds the provision that in towns which use the official ballot for the election of officers, any law which requires a ballot vote on an article and which uses the term "official ballot", shall be deemed to require the use of the official ballot for voting on that article.

As amended, this bill adds the provision that in towns which use the official ballot for the election of officers, articles concerning the issuance of bonds or notes shall not be placed on the official ballot.

The amended bill also creates a 10 day period, beginning on the seventh Wednesday before the town election, for filing a declaration of candidacy in a town which has adopted the non-partisan ballot system.

Amendment adopted.

Ordered to third reading.

INTRODUCTION OF GUEST

Kim Scamman, daughter of Speaker Scamman.

COMMITTEE REPORTS (cont.)

SB 333, relative to notaries public, commissioners of deeds, justices of the peace, the department of state, and emergency interim succession. Ought to Pass.

This bill clarifies and updates the requirement for the appointment and applications of notaries public and commissioners of deeds. It prohibits notaries from notarizing their own signatures, requires official seals and inserts a new chapter addressing the application, appointment and powers of justices of the peace. It sets limitations on legislators' designation of successors and additionally makes full time employees and officials of the Department of State eligible for annual and sick leave. Vote 10-3. Rep. Elsie Vartanian for Constitutional and Statutory Revision.

Ordered to third reading.

SB 331-FN, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services. Ought to Pass.

This bill provides for payment by the state of medical or hospital costs related to examinations of alleged rape victims. Everyone testifying at the hearing was in favor of the bill. Only in the case of rape has the victim been required to pay for the medical examination to obtain evidence for the state to be used in prosecution of the case. The Committee voted 15-0 that it was time to change this unfair practice against rape victims and require the state to pay the expense of obtaining evidence in rape cases. Rep. Gladys M. Cox for Health and Human Services.

Referred to Appropriations.

SB 244-FN, making intentional transmission of AIDS a felony.
Inexpedient to Legislate.

The conduct addressed by this bill is already a crime under existing law. The transmission of AIDS to another person is conduct which constitutes first degree assault under RSA 631:1, and the purposeful donation of contaminated blood is also criminal under RSA 141-C:21. Consequently, this legislation is unnecessary. Vote 14-4. Rep. C. William Johnson for Judiciary.

Resolution adopted.

SB 273, relative to capital murder. Ought to Pass.

Senate Bill 273 expands the death penalty in two specific areas. 1. Would include probation-parole officers, giving them the same protection as is granted to police officers. 2. Would allow the death penalty where someone who is sentenced to life without parole commits a murder while incarcerated. Vote 10-6. Rep. Daniel A. Eaton for Judiciary.

Ordered to third reading.

SB 309-FN, enabling cities and towns to transfer revenues from the land use change tax to the local conservation commission. Ought to Pass. This bill is permissive legislation. It is an incentive for cities and towns to get into land conservation. It provides a mechanism for cities and towns to set monies aside from Current Use Change Tax to purchase land at a future time. Because of the rapid growth in this state, the Committee felt SB 309 was a positive step towards preservation of land. Vote 8-4. Rep. Barbara J. Baldizar for Municipal and County Government.

Ordered to third reading.

SB 302-FN, relative to fireworks. Ought to Pass with Amendment. Chapter 323, Laws of 1987, relative to fireworks, was enacted into law with effective date of May 1, 1988. SB 302 of the 1988 Session, same subject, effected changes to Chapter 323, and extended the effective date until October 1, 1988. As further amended by the Committee on Public Protection and Veterans Affairs, the bill is the most current effort, since 1944, to update and relax the statutes on fireworks. The Director of State Police shall adopt rules relative to "competency examinations" for the handlers and displayers of "Class B Special Fireworks" (used in aerial displays), and shall provide guidelines for the use of municipalities in issuing permits for the display of "class C Common Fireworks," as used by private citizens. Because fireworks are potentially dangerous to persons and property, strong controls are vested in local officials to assure that public fireworks' displays, and the use of fireworks on home properties, are performed only by "competent operators." Exceptions to the statutes are outlined, as well as penalties for violations. Vote 11-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend RSA 158:9-f, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The procedures for the sale, storage, handling, transportation, inspection, administration, permit fees, and use of class B special fireworks to be followed by the licensing board of any city or town, or if a duly constituted licensing board does not exist, the chief

of police of a city or town, if any, or the governing board of a town, city, or village district, when issuing permits for the sale or display of class B special fireworks pursuant to RSA 160-A. Rules adopted pursuant to this subparagraph shall include a requirement that no person may be issued a display permit for class B special fireworks unless he has previously demonstrated his competence to handle such displays and has been issued a certificate of competency by the division of state police.

Amend RSA 158:9-f, I(c) as inserted by section 4 of the bill by replacing it with the following:

(c) The purchase of insurance by commercial entities, relative to the sale, storage, handling, transportation, inspection, administration and display of class B special fireworks.

Amend RSA 160-A:2, II, III, and IV as inserted by section 6 of the bill by replacing them with the following:

II. It shall be illegal for any person to purchase, possess, or display any class B special fireworks without a display permit obtained in accordance with paragraph IV of this section or a permit obtained in accordance with RSA 158. It shall be illegal for any person to purchase, possess, or display any class C common fireworks without a permit issued pursuant to paragraph III of this section.

III. The fire chief or police chief of a city or town, as determined by the governing board, may issue permits for the purchase, possession, or display of class C common fireworks within the borders of the city or town. The municipality may charge a reasonable fee for a permit to display class C common fireworks.

IV. The licensing board of any city or town, or if a duly constituted licensing board does not exist, the chief of police of a city or town, if any, or the governing board of a town, city or village district, may grant permits for:

(a) The sale of fireworks by any person which, at the time such sale permit is issued, is subject to and in full compliance with Title 18, United States Code, and the regulations promulgated thereunder, governing class B special fireworks or is a class 01 licensee under chapter 44 of Title 18, United States Code in accordance with the provisions of Title 1, GCA of 1968 and the regulations issued thereunder (27 CFR 178). The applicant for a sale permit under this subparagraph shall have the burden of proving compliance with such federal regulations. Sale permits under this subparagraph shall be valid for one year from the date of issue or until the permittee is no longer governed by or in compliance with the federal regulations. No such sale may be made to any person under 18 years of age.

(b) The purchase or display of class B special fireworks.

Amend RSA 160-A:2, VI as inserted by section 6 of the bill by replacing it with the following:

VI. Applicants for display permits for class B special fireworks shall meet any requirements as may be established by rule by the director of the division of state police, pursuant to RSA 158:9-f, and shall be consistent with the provisions of this chapter. In addition, such applications shall be made in writing at least 15 days in advance of the date of the display. The town, city, or village district may charge a reasonable fee for a permit to display class B special fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held within 15 days of the date such permit is granted. If, in the opinion of the chief of the fire department, conditions deteriorate

during the 15-day period of effectiveness of the display permit so that a fire hazard exists, he may revoke the permit.

Amend the bill by replacing section 7 with the following:

7 Exceptions. Amend RSA 160-A:3 to read as follows:

160-A:3 Exceptions. Nothing in this chapter shall be construed to prohibit:

[I. Any resident wholesaler, dealer, or jobber from selling at wholesale any fireworks which are not prohibited by this chapter.

II.] I. The sale of any kind of fireworks, which are to be [shipped] *transported* directly out of this state *by a transport or delivery service licensed or registered to do business in this state.*

[III.] II. The sale of fireworks to or use of fireworks by railroads or other transportation agencies for signal purposes of illumination.

[IV.] III. The sale of fireworks to or use of fireworks by law enforcement agencies.

[V.] IV. The sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes, or in athletics or sports.

[VI.] V. The sale of fireworks to or use of fireworks by military organizations.

[VII.] VI. The sale of fireworks to be used for agricultural purposes and the use of fireworks for agricultural purposes.

[VIII.] VII. The sale and use of toy, plastic or paper caps which contain less than 25/100's of a grain of explosive composition per cap.

Amend the bill by replacing section 10 with the following:

10 Effective Date of Rules. Rules adopted pursuant to sections 3 and 4 of this act shall not take effect before October 1, 1988.

AMENDED ANALYSIS

The bill, as amended, changes the effective date of 1987, chapter 323, relative to fireworks from May 1, 1988, to upon passage of this bill and further amends provisions affected by that act.

This bill defines fireworks "display". The bill requires the director of the division of state police to establish rules for municipalities to follow in issuing permits for the sale, possession or display of class B special fireworks. It enables the police chief or fire chief of a town or city to issue permits for the purchase, possession or display of class C common fireworks. It allows municipalities to charge reasonable fees for permits to display class B special fireworks and class C common fireworks. The bill also makes it illegal for any person under the age of 18 years to possess fireworks.

This bill rewrites the statutory section on fireworks permits, clarifies an exception to the permit requirements, and removes an exception to the permit requirements for persons who sell, at wholesale, fireworks not prohibited by RSA 160-A.

Amendment adopted.

Ordered to third reading.

SB 275-A, relative to Skyhaven airport and making an appropriation therefor. Ought to Pass.

This bill, as amended by the Senate, appropriates \$400,000 to the Department of Transportation for the purpose of designing and constructing of additional hangar facilities at Skyhaven Airport in Rochester, New Hampshire. It is intended that Skyhaven Airport

revenues will defray the cost of design and construction utilizing revenue bonds.

The importance of continuing improvements to Skyhaven Airport must be realized by the State and citizens of the region. The growth and expansion of communities and businesses in Southern New Hampshire has created an increased number of aircraft commercial/private flights to and from Skyhaven Airport. Vote 17-0. Rep. Eugene Ritzo for Public Works.

Referred to Appropriations.

SB 284-FN-A, relative to exemption from tolls on the New Hampshire turnpike. Ought to Pass with Amendment.

The most recent Legislative Budget Assistant audit of the turnpike system was critical of the present practice of toll exemptions granted by custom and tradition, but not by statute. The amendment gives the turnpike system the statutory authority for those toll exemptions. The amendment does not add or delete any vehicles to those currently provided free passage. Vehicles bearing plates with the state seal (RSA 261:90), permanent plates from state, county, and municipal vehicles (RSA 261:92), military vehicles of the state and federal governments, and emergency vehicles responding or returning from their duties will continue to enjoy the exemption. Vote 17-0. Rep. James A. Chandler for Public Works.

Amendment

Amend RSA 237:12, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The following motor vehicles shall be granted toll-free use of any section of the New Hampshire turnpike system:

(a) Motor vehicles bearing plates with the state seal as authorized under RSA 261:90.

(b) All vehicles with permanent plates as authorized under RSA 261:92.

(c) Military vehicles of the state and federal governments.

(d) Emergency vehicles going to and returning from their duties.

II. The commissioner of the department of safety may request tokens from the department of transportation for unmarked vehicles of the New Hampshire state police and undercover vehicles of the department of justice not displaying permanent plates. Accounting procedures for such tokens shall be established by the commissioner of the department of transportation.

AMENDED ANALYSIS

This bill, as amended, authorizes toll-free use of any section of the New Hampshire turnpike system for motor vehicles bearing plates with the state seal as authorized under RSA 261:90 and permanent plates as authorized under RSA 261:92, military vehicles, and emergency vehicles.

The commissioner of transportation shall provide appropriate identification to turnpike employees and those liquor store employees working at liquor stores on a turnpike, for toll-free use of the turnpikes to and from work only.

The commissioner of transportation may issue other toll-free use privileges to other at his discretion which may be authorized by the legislature at the next session of the general court. If not authorized by the legislature, such privilege shall expire.

Amendment adopted.

Ordered to third reading.

SB 253, relative to the length of vehicles. Ought to Pass.
This bill, as amended by the Senate, makes changes in current law RSA 266:11. Single unit vehicles will be allowed a maximum length of 40 feet including bumpers. This is an increase of 5 feet. The change brings our maximum length into compliance with national standards. The Committee feels that the change is reasonable and will create no problems. Vote 9-1. Rep. Irvin H. Gordon.

Ordered to third reading.

The Speaker called for the Special Order.

HB 1050-FN, relative to death benefits for beneficiaries of group II members.(A) Ought to Pass with Amendment.

As amended, this bill changes the lump sum payment made to a beneficiary upon a group II member's death after retirement. A payment of \$3,600 (current law) if the member retired before July 1, 1988 and \$5,000 if the member retired on or after July 1, 1988. The sum of \$1,600,000 from the special account is designated to fund this improved benefit until the fund is exhausted at which time legislation will be required to continue the benefit. Vote 15-0. Rep. John B. Hammond for Appropriations.

Rep. Kidder moved that HB 1050 be recommitted to the Committee on Appropriations, and spoke to his motion.

Adopted.

ENROLLED BILLS REPORT

HB 571, relative to the certification and financial management of life care facilities and making an appropriation therefor.

HB 732, relative to the workers' compensation special fund.

HB 789, relative to assessment of civil penalties under the workers' compensation law.

HB 849, relative to claims against the state.

HB 867, relative to bonding authority for the Conway village fire district.

HB 870, relative to surety bonds for county treasurers and other county officers, and relative to the administration of RSA 78-B by the commissioner of revenue administration.

HB 936, relative to discoverability of risk in product liability actions.

HB 999, granting authority to the commissioner of environmental services to levy administrative fines for certain violations, and authorizing the director, division of water supply and pollution control, to take certain emergency actions.

HB 1007, relative to the date when municipalities must make tax payments to counties.

HB 1036, relative to motor vehicle inspections.

Rep. Natalie S. Flanagan
For the Committee.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 73

celebrating Greek Independence Day.

WHEREAS, the cradle of modern democracy is the country of Greece on the Mediterranean Sea where the leaders and philosophers of the ancient world wisely understood the principles of a government for the people, and

WHEREAS, two hundred years ago, when the Constitution of the United States was written, our American forefathers wisely used as that document's foundation those same democratic principals practiced in ancient Greece, and

WHEREAS, Greece, throughout its illustrious history, has given to America and the rest of the world so much that is of great value, including Venus de Milo, the writings of Socrates, Plato and Aristotle, and the Olympic Games, and

WHEREAS, in the United States there are, numbering in the hundreds of thousands, citizens of Greek Heritage who have contributed greatly to America's growth and strength, and

WHEREAS, Greek Independence Day is annually celebrated on the 25th day of March, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Greek Independence Day be cause for celebration by the membership, and be it further

RESOLVED, that all Americans of Greek Heritage be saluted and recognized for the many contributions Greece has made to the democratic way of life.

Unanimously adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 29 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 259, relative to child custody.

SB 343-FN, relative to liability for expenses of children under the supervision of the division for children and youth services.

SB 319, relative to cancellation of insurance policies.

SB 337-FN, adopting the uniform federal lien registration act.

SB 255, relative to school district boundaries.

SB 269-FN, relative to indoor air quality in certain state buildings.

SB 293-FN, relative to asbestos management.

SB 299-FN, relative to deeds.

SB 317-FN, relative to master plans and their housing sections.

SB 318-FN, establishing a committee to study the feasibility of establishing a New Hampshire zoological park.

SB 286, relative to exchanging police information, on a reciprocal basis, with other states.

SB 287, relative to police assistance from other states.

SB 354-FN, establishing a Connecticut River bridge advisory commission.

HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system.

HB 1204-FN-A, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and

establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.

SB 288-FN, relative to placing articles on the official ballot.

SB 333, relative to notaries public, commissioners of deeds, justices of the peace, the department of state, and emergency interim succession.

SB 273, relative to capital murder.

SB 309-FN, enabling cities and towns to transfer revenues from the land use change tax to the local conservation commission.

SB 302-FN, relative to fireworks.

SB 284-FN-A, relative to exemption from tolls on the New Hampshire turnpike.

SB 253, relative to the length of vehicles.

Rep. Irvin Gordon moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 2:00 p.m.

RECESS

(Rep. Parr in the Chair)

ENROLLED BILLS REPORT

HB 252, relative to the rate of the business profits tax.

HB 781, amending the uniform limited partnership act and making reference changes in the disclosure of security takeovers act.

HB 859, making an appropriation for the purchase of a building for the division for children and youth services.

HB 874, permitting every county attorney to appoint an assistant county attorney.

HB 1042, relative to road toll laws and the regional fuel tax agreement.

HB 1044, relative to the minimum age for operating a power boat in the state.

HB 1177, relative to qualifying for the veterans' and elderly property tax exemptions and filing an inventory form and relative to naming a bridge for Korean and Vietnam era veterans.

SB 269, relative to indoor air quality in certain state buildings.

SB 318, establishing a committee to study the feasibility of establishing a New Hampshire zoological park.

SB 325, relative to providing support to families coping with a severely disabled child or young adult family member, using funds already appropriated.

SB 354, establishing a Connecticut River bridge advisory commission.

HB 770, relative to loan scam operators.

HB 774, relative to the New Hampshire municipal bond bank.

HB 911, relative to service of termination on a manufactured housing park tenant.

HB 966, relative to cellular radio telecommunications services.

HB 1074, relative to prior service credit for the retirement system.

HB 1099, making New Hampshire retirement system maximum benefit limitations comply with the Tax Reform Act of 1986.

HB 1203, relative to the payment of a claim against the state and making an appropriation therefor.

SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children.

SB 257, extending the reporting date of the biomass study committee.

HB 799, relative to certain state publications and making appropriations for their more efficient production.

Rep. Raymond C. Buckley
For the Committee.

(Speaker in the Chair)

Rep. Irvin Gordon moved that the House adjourn.
Adopted.

HOUSE JOURNAL 16

Tuesday, 29Mar88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

As we pause this day, O God, we are deeply aware of the season in which we gather. Some of us will soon celebrate the festivals of Easter and Passover while others simply breathe in the warm freshness of springtime.

Whatever we call it and however we experience it, generous Creator, we thank You for the victory of warmth over cold, light over darkness. Teach us to savor life which is so fragile, to celebrate life which is so good, and to treat Your people with justice and mercy. Amen.

Rep. Robert Johnson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. D'Amante, McManus, McIntire, Geraldine Watson, Cutting, Lussier, Buco and Frink, the day, illness.

Reps. Coulombe, Lemire, Haynes, Prestipino, Lefebvre, Walker, Musler, Robert Jones, Grip, Blanchette, Bass, Nagel, Shriver and Mulligan, the day, important business.

Reps. Gerald Smith and Rosencrantz, the day, death in the family.

Reps. Gosselin, Joseph MacDonald and Bernard, the day, illness in the family.

INTRODUCTION OF GUESTS

Irene Hart and Regina Thornton, guests of Rep. Gilbreth; Douglas Stewart, guest of Rep. Davis; Paul Cooke and his 4th grade class from St. Joseph's School in Salem, son and guests of Rep. Cooke; Angelia Sadowski, Lynette Rowe, Christey LaValley and Sheri Buzzell, members of the Dover High School Color Guard; Jeannine Hager and Jay Bishop, advisers of the Color Guard, and Michelle DuBois, director of the Color Guard, guests of Rep. William McCann; Stephanie Kimball, Jean Kimball, Mr. and Mrs. Stephen Tiddei and Mr. and Mrs. John Stevens, granddaughter and guests of Rep. Harold Burns; fourth grade class from Kimball School in Concord, guests of Rep. Pappas; Jane Boisvert, guest of Rep. Koromilas; Sarah Lown, daughter of Rep. Lown; Heather Carlucci, guest of Rep. Alf Jacobson; Phyllis Grossbaumb, guest of Rep. Pignatelli.

The Speaker introduced the members of the Boys' Varsity Basketball Team from Pinkerton Academy in Derry.

Reps. Eunice Campbell, Conroy, Fesh, George Katsakiores, Phyllis Katsakiores, Lovejoy, Maurice MacDonald and Newell offered the following:

HOUSE RESOLUTION NO. 74

commending the boys' varsity basketball team
of Pinkerton Academy in Derry.

WHEREAS, on March 18, 1988, the boys' varsity basketball team of Pinkerton Academy defeated Manchester Central High School, 59-56, to win, for the first time in the school's history, the Class L Championship, and

WHEREAS, the victory boosted Pinkerton Academy's season record to seventeen wins against only four losses, and marked the first time since 1958 that the school won a basketball title, and

WHEREAS, in order to gain the prestigious Class L title for the first time, the newly-crowned champions of Pinkerton Academy had to overcome the burden of being seeded third in the State Tournament, and

WHEREAS, in the semi-final round of the State Tournament, Pinkerton Academy had to defeat the number-two seed, Alvirne High School, and

WHEREAS, during the regular season, Pinkerton Academy won the Astro Christmas Classic Basketball Tournament, and

WHEREAS, the 1988 team of champions was capably guided by Head Coach Anthony Carnovale, and Assistant Coaches John Barry, Bruce Berchtold, Peter Rosinski, and Ralph van Nostrand, and led by Co-Captains Peter Cusson and Matt Labranche, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity basketball team of Pinkerton Academy be publicly recognized and applauded for winning the 1988 Class L Championship, and be it further

RESOLVED, that the players and coaches receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Pinkerton Academy.

Unanimously adopted.

SENATE MESSAGES

CONCURRENCE

HB 859-A, making an appropriation for the purchase of a building for the division for children and youth services.

HB 799-FN-A, relative to certain state publications and making an appropriation for their more efficient production.

HB 1042-FN, relative to road toll laws and the regional fuel tax agreement.

HB 911, relative to service of terminations notice on a manufactured housing park tenant.

HB 1177-FN, relative to qualifying the veterans and elderly property tax exemptions and filing an inventory form and relative to naming a bridge for Korean and Vietnam era veterans.

HB 1044, relative to the minimum age for operating a power boat in the state.

HB 1134-FN, relative to walking disability motor vehicle plates, cards, and parking privileges.

HB 731, relative to applications to vote for overseas voters.

HB 755, relative to Goffstown police department.

HB 766, relative to utility easements.

HB 810-FN, relative to overseas voters.

HB 923, relative to dredging on great ponds.

HB 1090-FN, relative to drugging animals in livestock events and relative to audits on agriculture fairs.

CONCURRENCE WITH AMENDMENTS

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown.

SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children.

SB 260-FN, relative to detection of airborne radon in homes.

NONCONCURRENCE

HB 888, relative to the qualifications of the director of water supply and pollution control.

HB 865, enabling towns and village districts to hold special meetings for zoning ordinance amendments.

HB 771, relative to the election of Hillsborough county commissioners.

HB 982, relative to vehicles impeding the flow of traffic.

HB 855-FN, relative to timber sales on fish and game department land.

HB 955-FN, relative to interstate banking.

HB 1168-FN, relative to voter registration and the United States postal service.

REFERRED FOR INTERIM STUDY

HB 801-FN, relative to the composition of the dental board.

REFUSES TO SUSPEND JOINT RULES
TO ALLOW INTRODUCTION

HB 645-FN, relative to school building aid.

HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control.

HB 971-FN, relative to unclassified state employee salaries.

HB 1049-FN, relative to the travel allowance for members of the general court.

HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 564-FN, authorizing any city or town to issue revenue bonds. (Amendment printed SJ 3/15)

Rep. Ezra Mann moved that the House concur.
Adopted.

HB 753, reinstating the charter of Bethlehem Mink Farm, Inc. (Amendment printed SJ 3/17)

Rep. Joseph Eaton moved that the House concur.
Adopted.

HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization. (Amendment printed SJ 3/17)

Rep. Joseph Eaton moved that the House concur.
Adopted.

HB 776, relative to the examination of jurors. (Amendment printed SJ 3/10)

Rep. Alf Jacobson moved that the House concur.
Adopted.

HB 947-FN, relative to school system pupil registration information. (Amendment printed SJ 3/10)

Rep. Tufts moved that the House concur.
Adopted.

HB 993, relative to the taking of beaver. (Amendment printed SJ 3/17)

Rep. Rounds moved that the House concur.
Adopted.

HB 1046-FN-A, relative to the distribution of tax on pari-mutuel pools. (Amendment printed SJ 3/17)

Rep. Phelps moved that the House concur.
Adopted.

HB 1063-FN, to revive the charter of KAPPA Sigma House, Inc., and Jackson Ski Touring Foundation, Inc., nonprofit organizations. (Amendments printed SJ 3/17)

Rep. Joseph Eaton moved that the House concur.
Adopted.

HB 1123-FN, relative to senior justices and to the sentence review division. (Amendment printed SJ 3/10)

Rep. Alf Jacobson moved that the House concur.
Adopted.

SENATE MESSAGE
ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 480, recodifying the county corrections laws.

COMMITTEE OF CONFERENCE REPORT

HB 480, recodifying the county corrections laws. (Report printed SJ 3/22)

Rep. Barnes moved that the report be adopted.
Report adopted.

SENATE MESSAGE
RECALL FROM GOVERNOR
REQUESTS CONCURRENCE WITH SENATE AMENDMENT

SB 238-FN, relative to bail reform. (Amendment printed SJ 3/15)

Rep. Alf Jacobson moved that the House concur.
Adopted.

ENROLLED BILL AMENDMENT

SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood.

Amendment

Amend the bill by replacing lines 1-3 on page 1 with the following:

1 New Section; Long Pond. Amend RSA 486 by inserting after section 33 the following new section:

486:34 Long Pond.

This amendment is necessary to renumber the RSA section inserted by this bill to avoid duplicating the numbering of the RSA section already inserted earlier this session by House Bill 741, which became chapter 21.

Adopted.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(5) Policy Committees report all money bills, be suspended on the following bill:

HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Harold Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula, was removed at the request of Rep. Gilbreth.

Adopted.

**COMMITTEE REPORTS
(Consent Calendar)**

SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe. Ought to Pass with Amendment.

This bill, as amended, establishes a loan program to solve problems in the towns of Exeter and Monroe regarding their sewage treatment facilities. This funding approach is acceptable to the parties involved. The amendment clarifies the funding mechanism and allows state money to be used only for municipal systems. Vote 19-0. Rep. Susan Schwartz for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

directing the state treasurer to loan funds to the
towns of Exeter and Monroe for construction
of sewage treatment facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 State Loan; Exeter and Monroe Sewage Treatment Facilities.

I. The state treasurer is authorized to and shall make loans not to exceed \$4,400,000 to the towns of Exeter and Monroe. Said loans shall be made for the purpose of providing loans of 80 percent of the proposed cost of secondary sewage treatment facilities for Exeter with a total project cost not to exceed \$4,500,000, and for Monroe, with a total project cost not to exceed \$1,000,000. Allowable project costs shall be limited to those items included in the definition of "construction" under RSA 149-B:1. Said loans are to be made to provide for payments upon completion and final acceptance of said projects by the department of environmental services, but said loans may be made based on an agreed upon payment schedule established in the construction contracts and subsequent to certification by the department of environmental services with the prior approval of the governor and council. Loans may be for terms of not more than 20 years and shall bear interest payable annually on the outstanding principal balance as of January 1 of each year as follows:

Year 1	1 percent
Year 2	2 percent
Year 3	3 percent
Year 4	4 percent
Year 5	6 percent
Year 6	8 percent
Years 7 through 20	10 percent

Each loan agreement shall be prepared for execution by the office of the attorney general and shall be subject to final approval of the governor and council.

II. Nothing in this act shall affect the operation or implementation of the revolving loan fund established by RSA 149-B:12.

2 Sewage Treatment Facilities; Eligibility for State Contribution. Notwithstanding any provision of law, the towns of Exeter and Monroe shall be eligible for state contributions under RSA 149-B:1-b solely for the purpose of repaying the loans provided for in this act for the cost of construction of municipal sewage treatment facilities in said towns.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, directs the state treasurer to make loans to the towns of Exeter and Monroe of a sum up to \$4,400,000 to provide loans up to 80 percent of the construction costs of secondary sewage treatment facilities. It establishes limits on the project costs of both facilities. The loans are to be made upon completion and final acceptance of the projects, but may be made while construction is in progress based on an agreed upon payment schedule established in the construction contracts subsequent to certification by the department of environmental services with the prior approval of the governor and council.

The bill, as amended, makes these sewage treatment projects eligible for state financial contributions to assist the towns of Exeter and Monroe in repaying the loans.

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill appropriates an additional \$208,600 to the Division of Air Resources for FY 1989. The money will be used for equipment and 2 additional field staff in areas of the state where growth and industrial development make air quality monitoring a necessity for public health purposes, as well as planning and permitting. The

amendment corrects the amounts in the budget classes to more accurately reflect the expenses in each class, and establishes an equipment replacement program without creating a special account. Vote 15-0. Rep. Susan Schwartz for Appropriations.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Equipment Replacement Program. Amend RSA 125-C:6 by inserting after paragraph XV the following new paragraph:

XVI. Establishing an air quality monitoring equipment replacement program to provide for sufficient annual replacement to meet federal Environmental Protection Agency guidelines and to assure the reliability and accuracy of the network equipment.

Amend section 2 of the bill by replacing it with the following:

2 Appropriation. In addition to any other sums appropriated to the division of air resources, department of environmental services, the following sums are appropriated to the following classes for the fiscal year ending June 30, 1989:

10	Personal services - permanent	\$	39,768
20	Current expenses		7,200
30	Equipment		144,500
40	Indirect costs		8,383
60	Benefits		8,749
	Total	\$	208,600

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect upon its passage.

SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes adult in-home care services to serve those persons who need home care and who otherwise might be placed in inappropriate institutional care. These services are to be administered by the Division for Elderly and Adult Services through contracting service agencies. The amendment refines definitions of those providing the service and the list of services. Vote 14-0. Rep. Raymond C. Wixson for Children, Youth and Elderly affairs.

Amendment

Amend RSA 126-F:3, I as inserted by section 2 of the bill by replacing it with the following:

I. "Adult in-home care" means caring by a person who is neither a professional or a paraprofessional for an elderly or incapacitated adult's needs for food, activity, home care, and personal care for a portion of the 24-hour day in the adult's independent living situation. Such services are limited to those the division finds are appropriate and are determined by the provider agency to be within the expertise and abilities of the care giver and may include, but not be limited to, assistance in the following: walking, dressing, bathing, eating, meal

preparation, shopping, light housekeeping, sewing, laundry and other errands.

Referred to Appropriations.

SB 341-FN-A, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor. Ought to Pass.

This bill establishes a new position to coordinate child day care services in the Office of the Commissioner of Health and Human Services. This position is responsible for child day care resource development, coordination among the state agencies sponsoring programs in day care facilities, education and promotion of child day care services, and ongoing direction of the New Hampshire State Day Care Advisory Committee. Vote 14-0. Rep. Debora B. Pignatelli for Children, Youth and Elderly Affairs.

Referred to Appropriations.

SB 315-FN, relative to the personnel appeals board. Ought to Pass with Amendment.

Senate Bill 315 upgrades the qualifications and pay of the Personnel Appeals Board, prohibits the Board from creating job titles and classifications and allows deductions for money earned by employees while their cases are being reviewed. It also provides that state employees will be allowed to appeal any applications of the personnel rules, except those already exempted by statute. The amendment concerns changes for greater efficiency in the Department of Administrative Services agreed to by the Committee. Vote 13-1. Rep. Nancy M. Ford for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the personnel appeals board and relative to the division of plant and property management.

Amend the bill by replacing section 7 with the following:

7 Service Charge Account Separate from General Fund. Amend RSA 6:12, I by inserting after subparagraph (w) the following new subparagraph:

(x) Money received under RSA 21-I:12, III(a), which shall be credited to the nonlapsing account established under that section.

8 Support Services of the Division of Plant and Property Management; Appropriation. Amend RSA 21-I:12, III(a) to read as follows:

(a) Providing *communication* support services, including but not limited to, mailing, messenger [and], telephone [service], *electronic mail and data distribution services* to state government. *The director of plant and property management shall assess fair and equitable service charges with respect to such services so that their operations shall be completely self-supporting. The state treasurer shall establish a separate nonlapsing account for the receipt and disbursement of such service charges to be used solely for the administration and operation of such services. All funds received under this section shall be continually appropriated for that purpose.*

9 Additional Purchasing Authority. Amend RSA 21-I:17, I to read as follows:

I. The director of plant and property management may purchase supplies for any county, city, town, school district, special district or precinct, or any other governmental subdivision, *or any nonprofit agency certified under the provisions of section 501(c) of the federal Internal Revenue Code* whenever the governing body thereof so desires and the director deems that he can make such purchases advantageously.

10 Exemptions. Amend RSA 21-I:18, VIII to read as follows:

VIII. The purchase of [adaptive] *client rehabilitative* equipment *and supplies* for handicapped persons by the division of vocational rehabilitation, *including adaptive equipment* as provided by RSA 200-C:16, shall not be subject to the provisions of this chapter.

11 Salaries. Amend RSA 94:1-a, I by inserting the following:

I. In group M, Manager, planning and support, division of information services.

II. In group N, Deputy director, division of information services.

12 Effective Date.

I. Section 1-6 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect June 30, 1988.

AMENDED ANALYSIS

This bill changes the procedure for appeals made from decisions or actions taken by the personnel appeals board.

The bill, as amended, also changes the qualifications for members of the personnel appeals board and increases the remuneration paid to them.

The bill also specifies the manner in which an allocation review is to be conducted by the board.

Under this bill, the board is prohibited from creating new job classifications or job titles.

The bill also clarifies the amount of pay due upon reinstatement.

The bill, as amended:

(a) Establishes a nonlapsing account for service charges for the support services given by the division of plant and property management;

(b) Authorizes additional purchasing authority for the director of plant and property management;

(c) Adds an exemption for the purchase of certain client rehabilitative equipment; and

(d) Inserts a position in group M and N in the unclassified salary schedule.

Referred to Appropriations.

SB 342, amending the certificate of need law. Ought to Pass with Amendment.

This bill changes various definitions in the Certificate of Need (CON) Law. In addition, this bill adds a new exemption for outpatient facilities whose construction is less than \$1,000,000.

The bill requires majority vote of eligible board members. It also allows the board to require an applicant to file scope changes if proposed project is being changed substantially from information included in the original application. An additional amendment was added to separate the time required for establishing standards from the time frame of complying with rules under RSA 541-A, the

Administrative Rules Law. Vote 17-0. Rep. Marion L. Copenhaver for Health and Human Services.

Amendment

Amend the bill by replacing all after section 20 with the following:

21 Revision of Subparagraph. Amend RSA 151-C:6, I(c) to read as follows:

(c) The review of an existing standard shall take no longer than 120 days [and the final standard adopted]. *Adoption of the standard* shall be in accordance with RSA 541-A. [The decision of the board shall be considered a final decision.]

22 Revision of Subparagraph. Amend RSA 151-C:6, II(c) to read as follows:

(c) The development of a new standard shall take no longer than 120 days [and]. *Adoption of the standard* shall be in accordance with RSA 541-A.

23 Repeals. The following are repealed:

I. RSA 151-C:2, XVII, relative to certain health maintenance organizations.

II. RSA 151-C:2, XIX, relative to home health agency.

III. RSA 151-C:2, XXI, relative to independent diagnostic laboratory.

IV. RSA 151-C:2, XXXII, relative to qualified applicant.

24 Effective Date. This act shall take effect 60 days after its passage.

HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee and making an appropriation therefor. Ought to Pass.

Because the Public Service Company of New Hampshire bankruptcy proceedings are complex and may have a significant impact on New Hampshire and its ratepayers, it is essential that the Legislature form a joint legislative committee to monitor those proceedings. The Legislature has a responsibility to assure that there is an uninterrupted supply of affordable and dependable electricity for the benefit of the consumers and the economic well-being of our state. The \$75,000 appropriation will enable the retention of a qualified, experienced bankruptcy attorney to provide advice and counsel to the Legislature on these proceedings.

It is vitally important that we have our own source of advice and information so that we may be best able to take any actions necessary. We also need to assure that the setting of electric rates and that regulatory controls remain in New Hampshire and its appropriate legislative and executive authorities. Vote 12-0. Rep. James D. Phelps for Legislative Administration.

Referred to Appropriations.

SB 290, relative to expenditures of funds from the highway surplus account. Ought to Pass.

This bill simply requires prior approval of the Legislative Fiscal Committee before the Governor and Council may authorize the transfer of funds from the highway surplus account. Vote 16-0. Rep. Beaton Marsh for Public Works.

SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor. Ought to Pass.

This bill increases the bonding authorization for the regional vocation education centers to allow the 20 center concept to go forward in the Dover-Rochester-Somersworth area. Without this authorization, the communities will not be able to go ahead with site preparation which is the responsibility of the local school district. Vote 17-0. Rep. Sandra B. Keans for Public Works.

Referred to Appropriations.

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor. Ought to Pass with Amendment. Senate Bill 262 enables the Division of Parks and the Division for Children and Youth Services to cooperate in conducting conservation projects which employ youths who need assistance to perform successfully in school, in their communities and in their personal lives. This is probably the most heartwarming and satisfying bill that has come before the Resources Recreation and Development Committee. Demonstration projects have already been conducted in New Hampshire with funding from the Student Conservation Association, a national organization which has a strong record of success with similar projects in many other states. New Hampshire youth camped together, worked together and learned together as they cut trails in the Monadnock region and in Franconia Notch. Their work met very high standards. Even more important was the testimony of participants that revealed a high-quality, well-rounded experience and impressively positive results in terms of human values. Enactment of this bill will also enable the state to apply for a federal grant to help support the program. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend RSA 216-A:7 as inserted by section 1 of the bill by replacing it with the following:

216-A:7 Conservation Corps Established. The director of the division of parks and recreation, in cooperation with the director of the division for children and youth services, department of health and human services, shall establish a conservation corps for the purpose of employing New Hampshire youth with an emphasis on employing young people who need educational and vocational assistance to perform successfully in school, in their communities, and in their personal lives. The services of these young people shall be used to create a hiking trail extending the length of the state or such other resource management and conservation projects deemed appropriate and necessary.

Referred to Appropriations.

SB 322-FN-A, relative to petroleum pollution cleanup. Ought to Pass with Amendment.

Senate Bill 322 recognizes that gasoline and diesel fuel, due to their fluidity and suspected carcinogenic properties, present a potential threat to New Hampshire's groundwater. Thus, SB 322, not only establishes a separate gasoline and diesel fuel fund - called oil discharge and disposal cleanup fund -, but also establishes procedures for owners of underground storage facilities to recover costs incurred in the cleanup of gasoline and diesel fuel leaks and discharges. Owners of underground storage facilities with capacity equal to or greater than 1,100 gallons, with current permits, with current records, and who are in compliance with all rules of the Division of Environmental Services shall be eligible to apply for funds. This cleanup fund is in addition to the oil pollution control fund established under RSA 146-A:11-a.

Money for the fund comes by imposition of a fee on each gallon of gasoline and diesel products transferred or transported within or into the state of New Hampshire. The fund will lapse on January 1, 1994 unless re-authorized by the Legislature in the interim. Vote 15-0. Reps. Charles L. Vaughn and William H. McCann for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Oil Discharge and Disposal Cleanup Fund. Amend RSA by inserting after RSA 146-C the following new chapter:

CHAPTER 146-D
OIL DISCHARGE AND DISPOSAL CLEANUP FUND

146-D:1 Purpose. The general court finds that gasoline and diesel fuel, due to their extreme fluidity and suspected carcinogenic qualities, comprise a sufficiently distinct class of property which represents a potential serious health and safety problem to the citizens of New Hampshire. In particular, gasoline and diesel fuel present a potential threat to the purity of New Hampshire's groundwater and environment because of the speed with which these products are able to flow into, and contaminate, valuable groundwater supplies. The purpose of this chapter is to establish responsibility for the cleanup of oil discharge and disposal and to establish a fund to be used in addressing the costs incurred by the owner of underground storage facilities for costs incurred in the clean-up of oil discharge and disposal and to protect groundwater. The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a.

146-D:2 Definitions. In this chapter:

I. "Distributor" means any person, wherever resident or located, who transports or causes to be transported oil, as defined in this subdivision, into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire, or for the international transport of oil products; provided, however, that bringing motor fuel into the state in the fuel supply tank attached to the engine of a vehicle or aircraft shall not be considered transporting.

II. "Facility" means a location consisting of a system of underground storage tanks, pipes, pumps, vaults, fixed containers and appurtenant structures, singly or in any combination, which are used or designated to be used for the storage, transmission, or dispensing of oil or petroleum liquids, and which are within the size, capacity and other specifications prescribed by rules adopted by the division pursuant to RSA 146-C:9, VI.

III. "Oil" means gasoline and diesel products. The term "oil" shall not include natural gas, liquefied petroleum gas, or synthetic natural gas, regardless of derivation or source, or any oil or diesel products used for heating, processing, or generating electricity.

146-D:3 Fund Established; Collection.

I. There is established an oil discharge and disposal cleanup fund. This fund shall assist in reimbursing the owner for costs incurred in cleaning up oil discharges and disposals in the ground and surface waters and soils of the state. The fund shall be collected as a fee imposed on all oil transferred or transported into or within this state.

II. Any distributor shall be assessed a fee of \$.003 per gallon of oil transferred or transported within or into this state. This fee shall be in addition to any road toll paid pursuant to RSA 260:32, and shall be deposited in the oil discharge and disposal cleanup fund established under this chapter.

III. The fee provided for in this section shall be collected by agents of the department of safety, in the same manner as provided for in RSA 260:38. Such funds shall be deposited in the oil discharge and disposal cleanup fund established under this chapter.

IV. Moneys collected for the fund shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than \$5,000,000, the fund assessment fees provided for in this chapter shall be discontinued and only re-established when the fund's balance is less than \$2,500,000.

146-D:4 Oil Fund Disbursement Board Established; Membership.

I. There is established the oil fund disbursement board, to be composed of the following members:

- (a) The commissioner of environmental services, or his designee.
- (b) The commissioner of revenue administration, or his designee.
- (c) Three members representing petroleum dealers, distributors, and refiners, appointed by the governor with the consent of the council.
- (d) Two public members, appointed by the governor with the consent of the council.
- (e) Two members of the senate, appointed by the president of the senate.
- (f) Two members of the house of representatives, appointed by the speaker of the house.

II. The board shall select a chairman from among its members at its organizational meeting.

III. The board members shall serve without compensation, except that all non-legislative members shall be reimbursed for mileage incurred on board business at the state employee mileage rate. The legislative members shall be reimbursed for mileage at the legislative rate.

IV. Any member of the board having an individual interest, or an interest in another business, which may conflict with an issue under consideration by the board, shall not participate in any deliberations or vote of the board on the issue before the board.

146-D:5 Board Powers and Duties.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) Processing applications for compensation from the oil discharge and disposal cleanup fund.
- (b) Procedures for verifying claims presented under this chapter.
- (c) Specifying costs in relation to reimbursements claimed.
- (d) Developing eligibility criteria in addition to the requirements of RSA 146-D:6, I.

II. The board shall submit an annual report of the status of the oil discharge and disposal cleanup fund not later than December 1 to the speaker of the house and the president of the senate. The first such report shall be submitted not later than one year of the effective date of this section.

146-D:6 Eligible Expenses.

I. The fund shall be available to owners of underground storage facilities, including underground home heating fuel storage tanks used only for storage which are in compliance with all rules of the division, with a capacity equal to or greater than 1,100 gallons. Owners of underground storage facilities with current permits, current records, and who are in compliance with all rules of the division shall be eligible to apply to the fund.

II. Before applying for money from the fund, owners eligible for funds under this chapter shall be responsible for the following:

- (a) The owner of one facility shall be responsible for the initial \$5,000 of cleanup costs at such facility.

(b) The owner of from 2 to 19 facilities shall be responsible for the initial \$20,000 of cleanup costs at each facility owned.

(c) The owner of 20 or more facilities shall be responsible for the initial \$30,000 of cleanup costs at each facility owned.

III. Owners of facilities eligible under this chapter may apply for funds to reimburse third parties for bodily injury or property damage in amounts not to exceed \$1,000,000.

IV. Owners of facilities eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages occurring on or after the effective date of this section.

V. Owners of facilities eligible under this chapter may apply for funds to cover the costs for both on-site and off-site cleanup of oil discharge and disposal up to a maximum amount not to exceed \$1,000,000.

VI. Costs of new tanks and associated piping shall not be considered eligible costs under this chapter.

VII. Notwithstanding any provision of this chapter, the division shall not be liable to any eligible party if sufficient funds are not available in the fund to meet the limits established in this chapter. Applications received by the division for which sufficient funds are not available at the time of application shall be held by the division pending availability of funds and shall be reviewed in the order in which they were received.

146-D:7 Penalties. Persons who violate the provisions of this chapter shall be subject to the penalties provided for in RSA 260:63 - 260:65-a.

3 New Paragraph; Oil Discharge and Disposal Cleanup Fee; Collection by the Department of Safety; Transfer to Oil Discharge and Disposal Cleanup Fund. Amend RSA 260:38 by inserting after paragraph III the following new paragraph:

IV. The forms provided for in this section shall include a section for collection of the oil discharge and disposal cleanup fee established under RSA 146-D:3. The department of safety shall be responsible for collection of such fee and transfer of such funds to the oil discharge and disposal cleanup fund under rules adopted by the division if water supply and pollution control pursuant to RSA 541-A, after consultation with the oil discharge and disposal disbursement board. The department of safety shall pay 2 percent of the funds collected under this paragraph to the division of water supply and pollution control to cover the costs of administration of the oil discharge and disposal cleanup fund. The department of safety shall retain 2 percent of the funds collected under this paragraph to cover the costs of administration of the collection process.

4 Definition; Oil Terminal Facility. Amend RSA 146-A:2, IV to read as follows:

IV. "Oil terminal facility" means any facility of any kind and its related appurtenances located within the boundaries of this state that is used or capable of being used for pumping, handling, transferring, processing, refining or storing oil [and has a storage capacity of 1,000 barrels or more];

5 Oil Pollution Control Fund; Payment of Reimbursable Costs. Amend RSA 146-A:11-a, VI to read as follows:

VI. All funds paid to the state to reimburse costs paid out of the oil pollution control fund by any person or operator strictly liable to the state under RSA 146-A:3-a and 146-C:11, [and repayments of any other loans made under this chapter,] shall be placed in the oil pollution control fund.

6 Importation of Oil into the State; Collection of License Fee. Amend RSA 146-A:11-b, II and III to read as follows:

II. Any operator, distributor, dealer, or broker who, or any wholesale terminal facility which transfers or transports or causes

to be transferred or transported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed under this chapter. The annual fee for the license shall be determined on the basis of \$.025 per barrel of oil transferred into this state during the license period. The license fee shall be computed at the point of entry of the oil into this state. The fee shall be paid monthly by the licensee to the [division of water supply and pollution control] *department of safety* and then deposited by the [division of water supply and pollution control] *department of safety* into the oil pollution control fund *administered by the division of water supply and pollution control*. Imposition of the fee shall be based on the records of the licensee and certified as accurate to the [division of water supply and pollution control] *department of safety*.

III. Any operator, distributor, dealer or broker who [has a storage facility capable of storing 1,000 or more barrels of oil and who] *or any wholesale terminal facility which* transfers or transports or causes to be transferred or transported oil into the state and who is licensed under this chapter shall be entitled to a credit against his annual license fee assessed under this section equal to the amount of any hazardous material transporter's license fee which he has paid to the department of safety pursuant to the provisions of RSA 106-A upon presenting satisfactory evidence of payment of the hazardous material transporter's fee for any vehicles involved in the importation, transfer or transport of oil into this state.

7 New Subparagraph; Rulemaking; Collection of Oil Import Fees.
Amend RSA 21-P:14, V by inserting after subparagraph (p) the following new subparagraph:

(q) Procedures for the inspection and verification of oil transfer and transport records pursuant to RSA 146-A:11-b.

8 Review. The oil discharge and disposal cleanup fund established pursuant to this act shall lapse on January 1, 1994. The oil discharge and disposal disbursement board shall make its recommendation relative to re-establishment of such fund to the legislature no later than October 1, 1992, in order for the legislature to act during the 1993 legislative session. Upon lapse of the oil discharge and disposal cleanup fund, any moneys remaining in the fund shall be transferred to the oil pollution control fund established pursuant to RSA 146-A:11-a.

9 Administrative Costs. Notwithstanding any provision of law, if the expenditure of additional funds is necessary for the costs of administration of the collection process, upon request of the commissioner of safety, the governor and council, with the prior approval of the fiscal committee of the general court, may authorize the transfer of funds from the oil discharge and disposal fund to the department of safety for such purposes.

10 Repeal. The following are repealed:

I. RSA 146-A:3-a, III, relative to loans from the oil pollution control fund.

II. RSA 146-A:11-a, III(e), relative to corrective measures.

III. RSA 146-A:11-a, IV, relative to priority distribution of oil pollution control fund loans.

IV. RSA 146-A:11-c, XII, relative to application procedures for loans from the oil pollution control fund.

V. RSA 146-A:11-c, XIII, relative to eligibility criteria for loans from the oil pollution control fund.

VI. RSA 146-A:11-c, XIV, relative to administration of loans from the oil pollution control fund.

VII. RSA 146-C:11, V, relative to the availability of loans from the oil pollution control fund for underground storage facilities.

VIII. RSA 146-D, relative to the oil discharge and disposal cleanup fund.

IX. RSA 260:38, IV, relative to collection and transfer of oil discharge and disposal cleanup fees.

11 Effective Date.

I. Paragraphs VIII and IX of section 10 of this act shall take effect January 1, 1994.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, establishes an oil discharge and disposal cleanup fund, to be collected as part of the road toll assessment by the department of safety, and to be administered by an oil discharge and disposal disbursement board. The board is to be composed of the commissioner of revenue administration or his designee; the commissioner of environmental services, or his designee; 3 representatives of oil dealers, distributors, and refiners; and 2 members of the general public, 2 members of the house of representatives and 2 members of the senate. The board is to be responsible for deciding on applications for money from the fund and investigating claims made against owners of underground oil storage facilities which might be reimbursed by the fund.

The fund is to be financed by a fee of \$.003 per gallon of gasoline and diesel fuels either transferred within this state, or transported into this state. Owners of underground oil storage facilities, including underground home heating fuel storage tanks, are eligible to apply for assistance from the fund, depending on the number of facilities owned, after payment of a certain amount for each oil spill or leak at each facility owned. Owners are also eligible to apply for assistance in reimbursing third parties injured by such spills or leaks.

The bill, as amended, authorizes the department of safety to collect the oil transfer and transport license fee and deposit it in the oil pollution control fund. The bill, as amended, also removes the minimum oil storage facility requirement for licensing of oil importers in the state.

The bill repeals the authorization for the oil discharge and disposal cleanup fund as of January 1, 1994. The oil discharge and disposal disbursement board is required to make recommendations on the fund's re-establishment before the 1993 legislative session.

Referred to Appropriations.

SB 326-FN-A, establishing a New Hampshire rivers management and protection program and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, establishes a river management and protection program in the Department of Environmental Services. This program cannot preempt Federal Energy Regulatory Commission Authority, but should be an important step toward New Hampshire's ability to regulate and protect the destiny of its rivers for its people for a variety of economic, social and recreational purposes.

The bill creates the position of the River Coordinator and an Advisory Committee. It provides a nominating process with public review and input and requires legislative approval for designating rivers or segments thereof for protection.

Protective measures will be submitted as legislation by January 1, 1990.

Further, as an interim protective measure, no new dams will be permitted on the mainstreams of six rivers - Pemigewasset, Saco, Swift, Contoocook, Merrimack and Connecticut, until July 1, 1990. Vote 15-0. Reps. MaryAnn N. Blanchard and Charles H. Dingle for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Program Established. Amend RSA by inserting after chapter 227-E the following new chapter:

CHAPTER 227-F
NEW HAMPSHIRE RIVERS MANAGEMENT AND PROTECTION PROGRAM

227-F:1 Statement of Policy. New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued economic and social assets for the benefit of present and future generations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of in-stream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, cultural, historical, archaeological, scientific, ecological, aesthetic, and community significance so that so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people.

227-F:2 Program Established; Intent. There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, and that in-stream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 227-F:1. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of such rivers shall be restored and maintained, and that riparian interests shall be respected.

227-F:3 Rivers Coordinator. There is established in the office of planning, department of environmental services, a state rivers coordinator, who shall be a classified employee appointed by the commissioner, and qualified by reason of education and experience, and who shall administer the New Hampshire rivers management and protection program.

227-F:4 Definitions. In this chapter:

I. "Commissioner" means the commissioner, department of environmental services.

II. "Office" means the office of planning, department of environmental services.

III. "Advisory committee" means the rivers management advisory committee established in RSA 227-F:8.

227-F:5 Coordination With Federal Statutes. For the purposes of the Electric Consumer Protection Act amendment to the Federal Power Act, protected rivers or segments of such rivers designated under this chapter shall constitute one element of the state comprehensive plan for river conservation and development. Protected rivers or segments of such rivers so designated shall constitute protected waterways with respect to the provisions of the Public Utilities Regulatory Policies Act, section 10(a), 16 U.S.C. 800, section 210. Water quality shall not be degraded from existing water quality standards established under RSA 149 and 149-E.

227-F:6 Nominations; Criteria.

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or

segments of such river and its values and characteristics. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests and other pertinent in-stream and riverbank information.

II. The rivers coordinator shall assist and cooperate with the nominator or nominating organization and shall, within 120 days of receipt of a nomination, review the nomination and prepare a recommendation for review by the commissioner under the criteria established in paragraph V and adopted by rules under RSA 227-F:11, II.

III. The rivers coordinator, in cooperation with the advisory committee, shall hold at least one public hearing in a community along the nominated river or segment of such river to receive public comment on the nomination.

IV. The commissioner shall review the nomination within 30 days. If the commissioner determines that the river meets the criteria adopted by rules under RSA 227-F:11, II, the commissioner shall, before the next legislative session, forward the nomination to the general court for legislative review and approval according to RSA 227-F:7.

V. The commissioner, in consultation with the advisory committee, in considering a nomination under this chapter, shall consider whether the river, or segment or segments of such river, do contain or represent either a significant statewide or local example of one or more of the following:

- (a) Scenic or recreational resource.
- (b) Open space or natural resource.
- (c) Fisheries, wildlife, vegetation, and rare species or habitat.
- (d) Cultural, historical, or archaeological resource.
- (e) Hydrological or geological resource.
- (f) Water quality.
- (g) Scientific resource.
- (h) Community resource.
- (i) Current and projected withdrawals, discharges, or

both, by public utilities and commercial or industrial users.

227-F:7 Legislative Designation. Any nomination approved by the commissioner shall be reviewed and approved by the general court for inclusion in the program. Such action shall be filed as a bill in the next legislative session following the nomination.

221-B:8 Rivers Management Advisory Committee; Establishment. There is established a rivers management advisory committee appointed by the governor and council.

I. The advisory committee shall include:

(a) A representative of public water suppliers who shall be an officer or employee of any municipal or privately owned water works in the state.

(b) An elected municipal officer nominated by the New Hampshire Municipal Association.

(c) A member of the fish and game commission.

(d) A representative of the Business and Industry Association chosen from a list of 3 nominees.

(e) A representative of the Granite State Hydropower Association chosen from a list of 3 nominees.

(f) A conservation commission member chosen from a list of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(g) A representative of the conservation community chosen from a list of 3 nominees submitted by the Society for Protection of New Hampshire Forests, Audubon Society, and the New Hampshire Wildlife Federation.

(h) A representative of recreational interests chosen from a list of 3 nominees submitted by the New Hampshire Rivers Campaign and the Appalachian Mountain Club.

(i) A representative of historic/archaeological interests chosen from a list of 3 nominees submitted by the New Hampshire Historical Society.

II. The director of the office of state planning, the executive director of the fish and game department, and the commissioner of resources and economic development or their designees shall serve as non-voting members of the committee.

III. The terms of state agency members shall be the same as their terms in office. The members shall serve 3-year terms, except that the terms of the initial members appointed under subparagraphs I(a)(1), (4), and (7) shall be one year, and those appointed under subparagraphs I(a)(2), (5), and (8) shall be 2 years.

IV. The commissioner shall convene the first meeting no later than September 15, 1988. The Committee shall elect a chairman and vice chairman. Subsequent meetings shall be at the call of the chair, or at the request of 5 or more committee members. The rivers coordinator under RSA 227-F:3 shall serve as secretary and staff to the committee.

V. The advisory committee shall advise the commissioner and rivers coordinator in carrying out the purposes of this chapter.

227-F:9 Protection.

I. The rivers coordinator, in consultation with the advisory committee, shall prepare and submit to the legislature for consideration proposed protection measures to be provided to rivers or segments of such rivers designated for protection under this chapter. The purpose of the protection measures shall be to ensure that water quality shall not be degraded from existing water quality standards established in RSA 149 and 149-E; that no significant adverse impacts on water quality or other in-stream characteristics shall be permitted; and that adequate flows be maintained for the appropriate use or uses of the river or segment or segments of such rivers.

227-F:10 Rivers Corridor Management Plans.

I. The rivers coordinator with the cooperation and assistance of the office of state planning, shall develop detailed guidelines for river corridor management plans, including but not limited to model shoreline protection ordinances. The rivers coordinator shall hold a public hearing regarding the proposed guidelines and model ordinances. The rivers coordinator shall provide technical assistance to regional planning commissions, municipalities, and river corridor commissions and shall encourage the development and implementation of river corridor management plans.

II. River corridor management plans developed pursuant to paragraph I shall include, but not be limited to, the following:

- (a) Permitted recreational uses and activities.
- (b) Permitted non-recreational uses and activities.
- (c) Existing land uses.
- (d) Protection of flood plains, wetlands, wildlife and fish habitat, and other significant open space and natural areas.
- (e) Dams, bridges, and other water structures.
- (f) Access by foot and vehicles.
- (g) Setbacks and other location requirements.
- (h) Dredging, filling, mining, and earth moving.
- (i) Prohibited uses.

227-F:11 Rulemaking. The commissioner, with the advice of the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to the following:

I. Content and submission of nominations under RSA 227-F:6, I.

II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 227-F:6, V.

III. Preparation for legislative designation of nominated rivers or segments of such rivers under RSA 227-F:7.

227-F:12 Consistency of State Action. Upon enactment of this chapter, all state agency actions affecting rivers or segments of such rivers which may be designated for protection under this chapter shall conform to the provisions of this chapter.

2 Interim Protection Measures. Notwithstanding the provisions of RSA 227-F, but for the purposes of RSA 227-F:5, no new dams shall be permitted, between the effective date of this section and July 1, 1990, on the mainstems of the following rivers:

- I. Pemigewasset River
- II. Saco River
- III. Swift River
- IV. Contoocook River
- V. Merrimack River
- VI. Connecticut River

3 Rivers to be Considered.

I. On or before January 1, 1990, the commissioner of environmental services shall, in consultation with the river management advisory committee established in RSA 227-F:8, I, and pursuant to RSA 227-F:6, II - V, prepare and submit to the legislature for consideration a list of rivers or segments thereof to be protected under RSA 227-F. In preparing the list, the commissioner, in consultation with the committee, shall consider, but not be limited to, the mainstems or segments of the following rivers:

- (a) Pemigewasset River
- (b) Saco River
- (c) Swift River
- (d) Contoocook River
- (e) Merrimack River
- (f) Connecticut River

II. The list prepared under paragraph I of this section shall be submitted to the speaker of the house and the president of the senate, in the form of proposed legislation, on or before January 1, 1990.

III. The commissioner of environmental services shall, in consultation with the committee established in RSA 227-F:8, I, and pursuant to RSA 227-F:6, II - V, prepare and submit to the legislature for consideration a list of rivers or segments of such rivers, in addition to those submitted under paragraph I of this section, which shall include, but not be limited to, the mainstems or segments of the following rivers:

- (a) Isinglass River
- (b) Lamprey River
- (c) Smith River
- (d) Ashuelot River
- (e) Nashua River
- (f) Nissitissit River
- (g) Piscataquog River

4 Reports.

I. Members of the council on resources and development and the public utilities commission shall review all applicable state laws and report to the commissioner of environmental services any laws or administrative rules in conflict with RSA 227-F. The commissioner shall consolidate all such reports and recommendations to resolve any conflicts and submit them to the governor, the speaker of the house, and the president of the senate, in the form of proposed legislation or recommended administrative action, on or before December 1, 1988.

II. The proposed protection measurers under RSA 227-F:9 shall be submitted to the speaker of the house and the president of the senate, in the form of proposed legislation, on or before January 1, 1990.

5 Appropriation. The sum of \$50,000 is appropriated to the department of environmental services for the biennium ending June 30,

1989, for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill, as amended, establishes the New Hampshire rivers management and protection program in the office of planning, department of environmental services, to be implemented by a state rivers coordinator. The state rivers coordinator is to be a classified state employee, appointed by the commissioner of environmental services. The program establishes a process to nominate for protection rivers, river stretches, and streams representing significant examples of scenic, recreational, wildlife, cultural, historical, archaeological, hydrologic, and geologic resources, and high water quality levels. Nominations are to be reviewed by the commissioner of environmental services and presented to the general court for approval.

The bill encourages a comprehensive river corridor management planning process involving state, local, and regional planning groups and private groups and individuals.

The bill requires state agencies to review those actions affecting rivers or streams protected under the chapter to assure consistency of action and continued protection of the rivers and streams.

The bill, as amended, establishes a rivers management advisory committee composed of the commissioner of environmental services and representatives of business, industry, public water supply, and environmental protection interests. The committee is to advise the commissioner on river protection matters, and vote on the addition of rivers to the protected list.

The bill, as amended, appropriates \$50,000 for the biennium to the department of environmental services for the program.

Referred to Appropriations.

SB 338-FN-A, relative to a statewide plan for public and private transportation. Ought to Pass.

This bill, as amended, requires the Department of Transportation to submit a request for a proposal defining the parameters of a comprehensive study of transportation resources in New Hampshire and the costs of such study no later than December 1, 1988, to the Speaker of the House, President of the Senate and the Governor. It was the feeling of the Committee that this was the right direction to be headed. Vote 10-0. Rep. Richard L. Haynes for Transportation.

SB 353-FN, relative to motor vehicle plates for organizational vehicles. Inexpedient to Legislate.

This bill contains the same material concerning walking disabled plates and decals as HB 1134, as amended, and has already passed the Senate. The Committee felt this bill was redundant and therefore not necessary. Vote 12-0. Rep. Roger Stewart for Transportation.

SUSPENSION OF RULES

Rep. Kidder moved that SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe, be placed on third reading and final passage and passed at the present time and spoke to his motion.

Adopted by the necessary two-thirds.

Rep. Kidder moved that SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe, be placed on third reading and final passage.

Adopted.

Third reading and final passage

SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe.

COMMITTEE REPORTS (Regular Calendar)

SB 310-FN-A, relative to the purchase and distribution of breathalyzer machines and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill provides funding for replacement of 84 breath analyzer instruments. Twenty of these machines will be used at the Police Academy for training. The balance will be distributed to cities and towns for use by local and state police. The amendment provides that \$120,000 of the cost will be charged to the penalty assessment fund, and \$384,000 will be charged to the highway fund. Vote 13-2. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Safety. The sum of \$384,000 is hereby appropriated to the department of safety for the fiscal year ending June 30, 1989, for the purpose of purchasing breath analyzer machines for the testing of blood alcohol content. The sum appropriated shall be nonlapsing and in addition to any other sums appropriated to the department of safety for the biennium. The sum appropriated shall be charged to the highway fund.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3, 4, 5, respectively.

2 Appropriation; Police Standards and Training Council. The sum of \$120,000 is hereby appropriated to the police standards and training council for the fiscal year ending June 30, 1989, for the purpose of purchasing breath analyzer machines for the testing of blood alcohol content for use in training programs. The sum appropriated shall be nonlapsing and in addition to any other sums appropriated to the police standards and training council for the biennium. The sum appropriated shall be charged to the penalty assessment fund.

AMENDED ANALYSIS

This bill, as amended, appropriates \$384,000 to the department of safety and \$120,000 to the police standards and training council for the fiscal year ending June 30, 1989, for the purchase of breath analyzer machines for the testing of blood alcohol content. This bill also creates a permanent advisory committee on breath analyzer machines to periodically review breath analyzer machines in use in this state and to establish priorities and guidelines for the distribution of such machines by the department of safety to municipalities.

Amendment adopted.

Rep. Gross spoke in favor of the report and yielded to questions.

Rep. James Chandler spoke to the report and yielded to questions.
Rep. Ward spoke in favor of the report.
Ordered to third reading.

SB 283, relative to protective services for adults. Ought to pass with Amendment.

The Division of Elderly and Adult Services has been protecting the elderly and adults who are incapacitated now. This bill just refines terms and makes sure that no elderly or adult person falls between the cracks. Vote 14-0. Rep. Emma B. Wheeler for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 161-D:2, IV(c) as inserted by section 3 of the bill by replacing it with the following:

(c) "Sexual abuse" means contact or interaction of a sexual nature involving an incapacitated adult who is being used without his or her informed consent.

Amendment adopted.

Ordered to third reading.

SB 294-FN, relative to the catastrophic aid formula, and making a supplemental appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, corrects an error made in the last session in RSA 186-C:18, Section III. The language in the law will now reflect "3.5 times state average cost" throughout the section. The bill also appropriates \$767,792 to cover the FY '88 shortfall in catastrophic aid. Vote 15-2. Rep. William A. Riley for Education.

Amendment

Amend RSA 186-C:18, III, as inserted by section 2 of the bill by replacing it with the following:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner shall distribute aid available under this paragraph to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution. The amount to be distributed to a school district under this paragraph shall be determined through the following formulae:

- $$\begin{aligned} \text{(a)} \quad & \frac{\text{State equalized valuation per pupil}^2}{\text{District equalized valuation per pupil}} \times \\ & \frac{\text{Cost of catastrophic aid students in district}}{\text{State catastrophic aid factor}} = \text{District catastrophic aid factor} \\ \text{(b)} \quad & \frac{\text{District catastrophic aid factor}}{\text{State catastrophic aid factor}} \times \\ & \frac{\text{Catastrophic aid appropriation}}{\text{State catastrophic aid factor}} = \text{District catastrophic aid share} \end{aligned}$$

provided that the amount of catastrophic aid *per pupil* for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding [\$9,000] *3-1/2 times the state expenditure per pupil for the school year preceding the year of distribution* [per pupil] for that district. If there are unexpended funds appropriated under this

paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formulae established in paragraph II. The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution which must be exceeded to be eligible for aid under this paragraph and any sums in excess of such expenditure limit. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally handicapped children, it shall not receive catastrophic funds for those same educationally handicapped children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriation. In addition to any other sums appropriated to PAU 06,03,03,03,01, special education - state, catastrophic costs, class 92, the sum of \$767,792 is hereby appropriated for the fiscal year ending June 30, 1988, to said PAU. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

The bill corrects inconsistent language in the catastrophic aid statute.

This bill, as amended, makes a supplemental appropriation of \$767,792 for catastrophic aid for fiscal year 1988.

Amendment adopted.

Referred to Appropriations.

SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor. Ought to Pass with Amendment.

This bill institutes a program of comprehensive literacy screening and education in the areas of reading, writing, speaking, listening, reasoning and mathematics. The bill also provides for a state-supported dropout prevention program which would fund the costs of such programs on the local level. It establishes an advisory council on literacy and dropout prevention to advise the Governor and other executives on matters relating to literacy, dropout prevention and youth employment.

The amendment creates a legislative committee, composed of 3 House members and 3 Senate members, to study the use of driver's license eligibility as well as other possible devices to encourage literacy, and to assemble data on student dropouts. Vote 13-5. Rep. E. Jane Walker for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor; and establishing a study committee to examine the illiteracy and dropout problems.

Amend RSA 189:52, 189:53, and 189:54, as inserted by section 3 of the bill by replacing them with the following:

189:52 Identification of Eligible Students. All school districts that provide elementary or secondary instruction are required to diagnostically screen to the extent of state funding all children upon their first entry to the school graded structure at kindergarten, first grade, or a higher grade level, unless previously diagnostically screened, to determine their levels of educational readiness. Diagnostic screening should address the child's educational development and should be used to determine an appropriate program of instruction in the literacy skills of reading, writing, speaking, listening, reasoning, and mathematics.

189:53 Literacy Skill Development in Elementary Grades. All school districts which provide elementary education shall have instruction in literacy for all students through grade 3, including instruction in reading, writing, speaking, listening, reasoning, and mathematics. All instruction shall be designed to assist students to achieve literacy and to provide the opportunity for each child to learn according to his needs and his abilities as set forth by the state board of education in the minimum standards for New Hampshire public elementary schools.

189:54 Literacy Instruction for Eligible Students.

I. For purposes of this subdivision, eligible students are those whose educational achievement is significantly less than their anticipated performance in reading, writing, speaking, listening, reasoning, or mathematics as determined by cognitive measurements approved by the commissioner of education. The commissioner of education shall annually designate cut-off points for the state-wide level of supplemental services, based upon achievement test results related to anticipated performance levels in reading, writing, speaking, listening, reasoning, or mathematics.

II. All school districts shall, to the extent of state funding, provide supplementary literacy instruction for eligible students through grade 12. Services shall be provided first to those who are determined to be most educationally disadvantaged. Services shall focus on instruction in reading, writing, speaking, listening, reasoning, and mathematics. Program emphasis shall include in:

(a) Primary grades, intensive development of literacy skills, based upon the individual child's literacy knowledge.

(b) Grades 4-8, remediation in literacy, accomplished through small group instruction and individualized remediation.

(c) Grades 9-12, intensive remediation in literacy, accomplished through prescriptive remediation in small group or individualized setting.

III. The costs for intensive literacy development in kindergarten through grade 3 for districts with kindergarten, and first grade through grade 3 for districts without kindergarten, and remediation in grades 4-11 shall be funded by the department of education. The department of education shall allocate funds among school districts based upon program plans submitted annually by the local school districts to the department of education, pursuant to paragraph IV of this section.

IV. Programs for supplementary literacy instruction for eligible students in primary through twelfth grades shall meet the following criteria, and shall be included in an annual plan submitted to, and subject to the approval of, the department of education:

(a) Services shall be based on an annual assessment of need.

(b) Programs shall have performance objectives evaluated annually.

(c) Plans shall provide detail on the types of supplementary services they may require. Programs shall be provided technical assistance and monitoring by the department of education to the extent possible. School districts shall maintain records on the above criteria and allow access to records by the department of education.

V. Funds allocated for this program shall be used to supplement, not replace, existing instructional activities. The commissioner of education may waive the requirement for use of all or part of these funds if it is shown to his satisfaction that the on-going level of literacy instruction meets the standards set for student achievement and the present assessment program already in place is satisfactory.

VI. A person aggrieved by a determination made pursuant to this subdivision may appeal in order to demonstrate hardship or extenuating circumstances. Such appeals shall be directed first to the principal of the school in which the student is enrolled, then, if necessary, to the superintendent of that SAU, and then to the school board of the local school district.

Amend RSA 189:56 as inserted by section 3 of the bill by replacing it with the following:

189:56 Advisory Council on Literacy and Dropout Prevention. There is established a state advisory council on literacy, dropout prevention, and youth employment. The council shall be composed of 11 members, 4 of whom shall be appointed by the governor; one of whom shall be a member of the house of representatives, appointed by the speaker; and one of whom shall be a member of the senate, appointed by the president of the senate. The members shall have demonstrated an interest or expertise in programs for eligible students. The non-legislative membership shall include:

I. One teacher, appointed by the American Federation of Teachers;

II. One teacher, appointed by the National Education Association-New Hampshire;

III. One school board member, appointed by the New Hampshire School Board Association;

IV. One superintendent, appointed by the New Hampshire School Administrators' Association;

V. One principal, appointed by the New Hampshire School Principals' Association;

VI. One parent, appointed by the governor;

VII. One representative from labor, appointed by the governor;

VIII. One representative from business and industry appointed by the governor; and

IX. One member at large, appointed by the governor.

Members of the council shall be residents of this state and shall serve without compensation for 2-year terms. The function of the advisory council is to advise the governor, the general court, state board of education, and the commissioners of education and labor on matters pertaining to literacy, dropout prevention, and youth labor and employment. The advisory committee shall develop and submit a biennial report on literacy, dropout prevention, and youth employment to the governor, the president of the senate, the speaker of the house, the state board of education, the department of labor, and the commissioners of education and labor. The department of education shall provide administrative support for the council.

Amend RSA 276-A:4, IV, as inserted by section 5 of the bill by replacing it with the following:

IV. Work training during or after school hours shall be permitted for minors 14 through 17 years of age if the employer has on file an unrevoked signed written statement from the minor's school principal or work experience coordinator setting out the period during which the minor may work, and certifying that his employment shall be confined to those periods and shall not interfere with his health and well being. It shall also contain a statement signed by the principal of the minor's school that employment shall not interfere with the minor's schooling.

Amend RSA 276-A:5, I, as inserted by section 7 of the bill, by replacing it with the following:

I. Certificates shall be issued by principals of schools or persons authorized by them, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. *With exception for locally determined cases of extenuating circumstances, work certificates shall be issued by school principals to students who have completed the eighth grade and who have attained a composite score on a grade 8 state approved test at a performance level determined by the state board of education. Continued employment shall be contingent on successful performance by the student in his program of studies. In the event satisfactory performance as determined by local school board policy is not being maintained, the work certificate may be revoked by the principal. At the discretion of the principal, a certificate for more than 36 hours per week may be issued.*

Amend paragraph I of section 11 of the bill by replacing it with the following:

I. The sum of \$250,000 is appropriated to the department of education for the biennium ending June 30, 1989, for the purpose of funding the screening program established in RSA 189:52, teacher training, or program development pertaining to literacy in the event adequate screening is already in place, based upon a sum equal to projected entering enrollment multiplied by no less than \$15. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by deleting section 4 and renumbering sections 5, 6, 7, 8, 9, 10, 11, 12 as 4, 5, 6, 7, 8, 9, 10, 11, respectively.

Amend the bill by replacing section 11 with the following:

11 Committee Established; Duties. There is established a legislative study committee to examine the problems of illiteracy and dropout prevention. The duties of the committee shall be:

I. To study the use of driver's license eligibility as well as other devices to encourage literacy.

II. Assemble statewide data on dropouts, including:

(a) the number of dropouts in New Hampshire;

(b) the reasons given for dropping out;

(c) programs that have proven successful in treating the dropout problem.

III. To study and assess the relationship between the number of hours per week that a student works or participates in sports, and that student's academic achievement.

IV. Any other issues the committee deems germane to the purposes of this act.

12 Membership. The membership of the committee shall be:

I. Three members from the house of representatives, appointed by the speaker of the house.

II. Three members from the senate, appointed by the president of the senate.

13 Meetings; Chair. The first meeting of the committee shall be held no later than May 15th, 1988. The chair of the committee shall be chosen by the members at the first meeting.

14 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate, and the governor, before November 1, 1988.

15 Effective Date.

I. RSA 189:56, as inserted by section 3 of this act, and section 10 of this act shall take effect 60 days after its passage.

II. Sections 11-14 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill institutes a program of comprehensive literacy screening and education in the areas of reading, writing, speaking, listening, reasoning and mathematics. The bill makes a nonlapsing appropriation of \$250,000 for the biennium to the department of education to fund the screening program, teacher training, or program development.

The literacy development instruction would be funded by a nonlapsing appropriation of \$1,400,000 for the biennium to the department of education.

The bill also provides for a state-supported dropout prevention program which would fund the costs of such programs on the local level. This project would be funded by a nonlapsing appropriation of \$250,000 for the biennium to the department of education.

The bill establishes an advisory council on literacy and dropout prevention to advise the governor and other executives on matters relating to literacy, dropout prevention and youth employment.

The bill also removes the statutory limit on the number of hours per week that a young person may work. It also establishes a requirement that in order to obtain a work certificate from his principal, a youth must demonstrate a certain level of achievement on an eighth grade achievement test.

The bill contains provisions for appeals of decisions made pursuant to the laws established in this bill.

The bill also repeals current statutory provisions concerning work hours for minors and females.

The bill also establishes a legislative study committee to examine the problems of illiteracy and dropout prevention.

Rep. Dunn moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Tufts and Skinner spoke against the motion.

Rep. Gilbreth spoke in favor of the motion.

Motion lost.

Rep. Walter Robinson moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Wadsworth and Holbrook spoke against the motion and yielded to questions.

Rep. Hounsell yielded to questions.

Rep. LaMar spoke in favor of the motion and yielded to questions.

Rep. Long spoke to the motion.

Rep. Palumbo spoke against the motion.

Rep. Schotanus moved the previous question. Sufficiently seconded.
Adopted.

Rep. Phelps requested a roll call. Sufficiently seconded.

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YEAS 167

BELKNAP: Bowler, Golden, Malcolm Harrington, Holbrook, Locke, Pearson, Turner, Wogler and Wixson.

CARROLL: Allard, Gene Chandler, Robert Holmes, Olimpio and Schofield.

CHESHIRE: Corrigan, Jesse Davis, Delano, Daniel Eaton, Foster, LaMar, Matson, Miller, Perry and Schwartz.

COOS: Brady, Kilbride, Mayhew, Nelson, Oleson and Theriault.

CRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Densmore, Guest, Hammond, Rounds and Stewart.

HILLSBOROUGH: Ahrens, Baker, Baldizar, Beaupre, Lionel Boucher, Bourque, Boutwell, Buckley, A. Leslie Burns, Champagne, Cote, Cowenhoven, Daigle, Ann Derosier, Gerard Desrochers, Domaingue, Dube, Ducharme, Clyde Eaton, Joseph M. Eaton, Fields, Ruth Gage, Genest, Scott Green, Guilbert, Marian Harrington, Healy, Cornelius Keane, Alice Knight, Kuchinski, Leclerc, Levesque, Long, Lown, Bonnie McCann, McGlynn, McRae, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Turgeon, Ware, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Laurent Boucher, Dunn, Gilbreth, Douglas Hall, Hess, Mary Holmes, Nichols, Pantzer, Philbrick, Rehlander, Walter Robinson, Tupper and Yeaton.

ROCKINGHAM: Blanchard, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Cressy, Cushing, Drake, Ellyson, Harry Flanders, Bert Ford, Gourdeau, Elizabeth Greene, Hollingworth, Robert Johnson, Joyce, Roger King, Lovejoy, Magoon, McGovern, Newell, Pantelakos, Popov, Read, Sanderson, Schmidtchen, Splaine, Tilton, Warburton, Weddle, Welch and Wells.

STRAFFORD: Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Sandra Keans, Lachance, Laurion, William McCann, Pelley, Francis Robinson, Spear, Swope, Ralph Torr, Wall and Wilson.

SULLIVAN: Brodeur.

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BELKNAP: Bolduc, Richard Campbell, Dexter, Hardy, Hawkins, Jensen, Maviglio, Randall, Lawrence Richardson and Thurston.

CARROLL: Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Clark, Cole, Daschbach, Doucette, Irvin Gordon, Grodin, Hunt, Morse, Parker, Pierce, Sawyer and David Young.

COOS: Brungot, Frederic Foss, Guay, Horton, Marsh and Purrington.

GRAFTON: Adams, Christy, Crystal, Driscoll, Wayne King, LaMott, McAvoy, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Bowers, Burkush, Cid, Cox, Cusson, William Desrosiers, Paul Dionne, Donovan, Drolet, Dwyer, Dykstra, Nancy Ford, Frank, Gagnon, Granger, Gureckis, Hatch, Holden, Humphrey, Chris Jacobson, Michael Jones, Keefe, Robert Kelley, Donna Kelly, Korcoulis, Kurk, Lozeau, Magee, Mason, Messier, Moore, Pariseau, Price, Sallada, Schneiderat, Tarpley, Vanderlosk, Wagner, Watson, Emma Wheeler and Zajdel.

MERRIMACK: James Chandler, Fillion, Fraser, George E. Gordon, Gross, Hager, Hayes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Manus, Millard, Phelps, Provencal, Doris Riley, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Conroy, Cooke, Felch, Fesh, Flanagan, John Flanders, Beverly Gage, Thomas Gage, Hoar, Hynes, George Katsakiores, Phyllis Katsakiores, Klemarczyk, Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Palumbo, Parr, Ritzo, Scamman, Schwaner, Scott, Seward, Sherburne, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian, Vaughn and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Casey, Jean, Kincaid, Kinney, Koromilas, Martling, Parks, Ann Torr and John Young.

SULLIVAN: Behrens, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Referred to Appropriations.

SB 307-FN, relative to retirement pay for judges, to vested rights in judicial retirement compensation, and to the committee on judicial conduct. Ought to Pass with Amendment.

This bill provides retirement compensation for any justice of the Supreme Court, Superior Court, or District Court.

The amendment requires the Committee on Judicial Conduct to make certain disciplinary action records available to the public. The name of the person shall be deleted from the documents made available to the public. Vote 8-4. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend RSA 490:30, I as inserted by section 5 of the bill by replacing it with the following:

I. The committee on judicial conduct shall make available to the public a copy of the complaint, the committee findings thereon, and a report of disciplinary actions taken with regard to a complaint; provided that the committee finds that the complaint was justified and that the person who is the subject of the complaint committed a violation of the Code of Judicial Conduct. The name of the person who is the subject of the complaint, and any other information which would identify the person who is the subject of the complaint, shall be deleted from the documents made available to the public. The provisions of this paragraph shall apply only after the review process of the complaint is completed.

AMENDED ANALYSIS

This bill provides that any justice of the supreme court, superior court or district court who retires after attaining the age of 60 years and with 20 years of service as a full-time justice, is entitled to 3/4 of the annual salary he was receiving when he retired for the remainder of his life.

This bill also allows a justice to receive retirement compensation when he reaches the age of 65 years if he retired before the age of 65, provided that he served at least 10 years as a full-time justice. A judge with 10 years of service would receive 33-1/3 percent of the paid to him at the time of his resignation. A judge with 15 years of service would receive 50 percent of the salary. A judge with 20 years of service would receive 75 percent of the salary.

Surviving spouses and children of deceased justices with at least 10 years of judicial service are entitled to the same compensation the judge would have received, but no benefit is payable to them until the date on which the judge would have reached the age of 65 years.

This bill, as amended, requires the committee on judicial conduct to make public the complaint, the committee's findings, and a report of disciplinary actions taken by the committee with regard to a complaint; provided that the complaint was justified and the person who is the subject of the complaint violated the Code of Judicial Conduct. The name of the person who is the subject of the complaint, and any other information which would identify the person who is the subject of the complaint, shall be deleted from the documents made available to the public.

This bill also requires the committee to conduct a hearing within 90 days of receiving a complaint, if a hearing is necessary. If a hearing is not necessary on a complaint, the committee shall make final disposition of the complaint within 90 days of its receipt.

Rep. Alf Jacobson spoke to the report.

Rep. William McCain spoke in favor of the report.

Amendment adopted.

Referred to Appropriations.

SB 313-FN, providing a cost of living increase for New Hampshire retirement system group II members. Ought to Pass with Amendment.

This bill provides a cost of living increase for Group II members of the New Hampshire Retirement System. If SB 327 of this session passes, as amended, it will give at least an amount equal to a five percent cost of living adjustment to all retirees in Group I of the New Hampshire Retirement System as of July 1, 1987. Vote 12-0. Rep. Robert A. Hawkins for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 3 with the following:

3 Group I Additional Allowance.

I. Effective July 1, 1988, if senate bill 327-FN of the 1988 session of the general court, an act eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration, becomes law, and if the recalculation of benefits under that act for any retired group I member of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1987, results in an increase of less than 5 percent of the member's current total retirement allowance, such a sum shall be added to the allowance so that the retired member shall receive a total increase equal to 5 percent. This additional allowance shall be in effect for the fiscal year ending June 30, 1989.

II. Funds for the provisions in paragraph I shall be funded from amounts in the special account created by RSA 100-A:16, II(h) attributable to group I members as of July 1, 1988.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

As amended, this bill provides a 5 percent cost of living adjustment for New Hampshire retirement system group II beneficiaries who retired prior to July 1, 1987, effective July 1, 1988.

Funding for the additional allowance comes from the retirement system special account, RSA 100-A:16, II(h).

As amended, the bill requires that if SB 327-FN becomes law, if the recalculation of benefits under that act for any retired group I member who retired prior to July 1, 1987, results in an increase of less than 5 percent of the member's current total retirement allowance, such a sum shall be added to the allowance so that the retired member shall receive a total increase equal to 5 percent. This additional allowance shall be in effect for the fiscal year ending June 30, 1989.

Amendment adopted.

Referred to Appropriations.

SB 330-FN, providing medical and health insurance coverage for retired firefighter and police New Hampshire retirement system members. Ought to Pass with Amendment.

This bill provides medical insurance benefits for retired group II members in the same plan they were in before retirement. Funding is from the special account earmarked for increased benefits and from excess system valuation similar to the group I write-up in SB 327. There are special provisions to comply with federal regulations for a qualified retirement plan. Only present active and retired group II members are included. Inclusion of future members would require future legislation, and the intent is that this would not happen unless special account funds are available.

The amendment incorporates these provisions with HB 1048 in the new subdivision of the retirement statute and rewords several sections that were not clear. Vote 12-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to health care benefits for retired group II system members and retired employees of political subdivisions.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Medical Benefits. Amend RSA 100-A by inserting after section 49 the following new subdivision:

Medical Benefits

100-A:50 Medical Insurance Coverage.

I. Every political subdivision of the state that provides for its active employees any group medical insurance or group health care plan, including but not limited to hospitalization, hospital medical care, surgical care, dental care, or other group medical or health care

plan, shall permit its employees upon retirement to continue to participate in the same medical insurance or health care group or plan as its active employees. Coverage for spouses, other family members and beneficiaries of retirees shall also be permitted to the extent that coverage is provided for the spouses, other family members and beneficiaries of active employees. Present employees not covered shall be permitted to rejoin the active employee health insurance or health care group whenever this is permitted by the insurer.

II. Each political subdivision, as employer, may elect to pay the full cost of group medical insurance or health care coverage for its retirees, or may require each retiree to pay any part or all of the cost of the retiree's participation. Such election may be made separately for retirees from different job classifications.

100-A:51 Authorized Deductions. Upon request in writing of any retired former policeman, fireman, teacher, or employee member or beneficiary of the New Hampshire retirement system who participates in a group medical insurance or health care plan under the sponsorship of a political subdivision of the state as the retiree's former employer, the retirement system shall deduct from the monthly retirement allowance of such retired member or beneficiary the cost to the retiree or beneficiary of such medical insurance or health care coverage. The amounts so deducted shall be paid over by the retirement system for the benefit of the retiree or beneficiary, either directly to the insurer or health care provider or to the employer, as may be determined by agreement between the trustees of the retirement system and the employer.

100-A:52 Payment by Retirement System.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of RSA 100-A:55, for the following persons:

(a) Any person retired as a group II member of the New Hampshire retirement system on service or disability retirement, provided that such person shall be entitled to retirement on the basis of group II creditable service without including any credit for service as a group I member of the retirement system.

(b) The spouse of such a qualified retiree.

(c) The surviving spouse of a deceased retired group II member who met the qualifications of subparagraph (a), or of a deceased member who died while in service as a group II member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, 100-A:12 or 100-A:13.

(d) Any certifiably handicapped dependent child living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

II. However, the maximum amount payable by the retirement system for any one-person premium shall not exceed the cost of a one-person premium in the state employees plan, and the maximum amount payable by the retirement system for any two-person or family premium shall not exceed the cost of a two-person premium in the state employees' plan except that in the case of a handicapped dependent child qualified under subparagraph I(d) the retirement system shall pay an additional amount up to the additional premium for such child in the state employees plan.

III. In the case of group II members retired from employment by the state and their beneficiaries, the provisions of RSA 21-I:26 through 21-I:36 relating to medical insurance coverage for retirees shall continue to apply. The amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical insurance for such persons and the state shall pay any excess.

IV. In the case of group II members retired from employment by political subdivisions of the state, if the cost of the premium for any retired group II member or surviving spouse shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

V. There shall be no age limit to participate in the medical and health benefits provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group II member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

VI. Any group II member retired before July 1, 1988, or surviving spouse, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such retired member or surviving spouse shall apply to the employer for such benefits before July 1, 1989. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group II retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join an active-employee medical insurance or health plan and to receive benefits under this section, and shall provide assistance to them in the preparation of the necessary application.

100-A:53 Method of Financing.

I. The benefits provided under RSA 100-A:52 shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group II employer contributions made for group II in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. The special account established in RSA 100-A:16, II(h), shall be augmented as of the effective date of this act by an amount resulting from a one-time write-up of the valuation assets as of June 30, 1988, equal to 20 percent of the accrued liability for group II members not including any additional liability created by the provisions of this act. At the end of each fiscal year beginning with the year ending June 30, 1989, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until total accumulated reimbursement equals \$52,800,000.

III. Except as provided in RSA 100-A:54, II, all contributions made to the retirement system to provide medical benefits under RSA 100-A:52 shall be maintained in a separate account the 401(h) subtrust and such funds shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this

chapter may be used or diverted to provide medical benefits under RSA 100-A:52. The funds, if any, accumulated to provide medical benefits under RSA 100-A:52 may be invested pursuant to the provisions of RSA 100-A:15.

IV. A separate account shall be established and maintained for each retired member who is a key employee, as defined under section 416(i) of the Internal Revenue Code, at any time during the plan year or any previous plan year during which contributions are made hereunder on behalf of such member for the purposes of RSA 100-A:52.

100-A:54 Miscellaneous Provisions.

I. It is the intention of the state of New Hampshire that the New Hampshire retirement system continue to provide medical benefits under RSA 100-A:52 subject to RSA 100-A:55, and that the employer make contributions in such amounts as the board of trustees shall deem necessary and appropriate under RSA 100-A:16 for such purpose. Any forfeitures of a member's interest in the medical benefit accounts as provided under this section prior to any discontinuance of medical benefits by the legislature shall be applied to reduce any subsequent employer contributions made pursuant to this section.

II. The legislature may discontinue contributions under this subdivision with respect to medical benefits provided under RSA 100-A:52 or cease providing such medical benefits for any reason, at any time, in which event the funds allocated to provide such medical benefits, if any remain, shall be used to continue medical benefits to members who were eligible for them under RSA 100-A:52 and 100-A:55 prior to the discontinuance date as long as any funds remain. However, if after the satisfaction of all medical benefits provided under RSA 100-A:52 there remain any funds, the program shall be deemed to be terminated and such remainder shall be returned to the appropriate employer, as defined in RSA 100-A:1, IV, in accordance with section 401(h)(5) of the Internal Revenue Code.

100-A:55 Application.

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988. Such additional benefits shall not apply to persons who become members of group II after June 30, 1988, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

II. For the purposes of this subdivision, group II in the New Hampshire retirement system shall include predecessor systems under RSA 102 and RSA 103.

2 Repeals. RSA 100-A:10-a, relative to authorized deductions for group hospital and medical insurance, is hereby repealed.

3 Contingency Provision. If both this act and HB 1048-FN, an act relative to medical and health insurance coverage for retired non-state group I and group II New Hampshire retirement system members, of the 1988 regular session of the general court became law, HB 1048-FN shall not take effect. The director of legislative services is authorized to make any technical changes to any bill sections or RSA sections inserted by this act necessary to conform the sections to proper RSA or bill format.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

As amended, this bill requires every political subdivision of the state that provides for its active employees any group health insurance or group health care plan, to permit its employees upon retirement to continue to participate in the same health care group or plan as its active employees.

Under this bill, as amended, each political subdivision may elect to pay the full cost of group medical insurance or health care coverage for its retirees, or may require each retiree to pay any part or all of the cost of the retiree's participation.

As amended, this bill enables group II members of the New Hampshire retirement system retired on service or disability retirement to receive permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits. The retirement system will pay the cost of such benefits up to the cost of a 2 person premium under the retired member's plan. The benefits are also provided for the member's spouse and handicapped children, within the cost limitation. Such benefits are to be provided and administered by the New Hampshire retirement system.

Funding for the cost of coverage is provided by a 401(h) subtrust of the New Hampshire retirement system.

As amended, the bill requires the retirement system to notify group II retirees and surviving spouse beneficiaries, of their right to re-join an active-employee medical insurance or health plan and to receive benefits under this act.

As amended, the additional benefits provided under the act apply to persons who are active or retired members of group II as of June 30, 1988.

Amendment adopted.

Referred to Appropriations.

SB 261, relative to setting seasons and bag limits on small game birds and animals. Ought to Pass with Amendment.

This bill permits the Fish and Game Executive Director to set season, bag limits, method and manner of taking of small game animals and birds until December 31, 1989. Vote 13-1. Rep. Milton G. Jensen for Fish and Game.

Amendment

Amend RSA 207:56, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The executive director shall have the authority to open and close the seasons for the taking of small game and game birds as defined in RSA 207:1, XXVI and XI, to fix the number and sex limitations for small game, and any other conditions governing the methods and manner of taking and reporting the same, subject to any restrictions imposed by statute.

II. The authority of the executive director under this section shall be exercised with reference to the state as a whole or for any specified county or part thereof.

Amend section 3 of the bill by replacing it with the following:

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 1989.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, would permit the executive director of the fish and game department to set seasons, bag limits, methods and manner of taking of small game animals and birds.

The bill repeals the individual statutes relative to these small game animals and birds.

Amendment adopted.

Ordered to third reading.

SB 267-FN, relative to child passenger restraints in motor vehicles. Ought to Pass with Amendment.

This bill increases the age requirements for the use of passenger restraints from up to age 5 to up to age 12. The major thrust of the legislation is to protect children from death and severe injury, and to teach them the habit of buckling-up. Car crashes are the leading cause of death among children, and wearing seat belts could cut fatalities by 60 to 70 percent.

The amendment to the bill changes the penalty from a violation of up to \$500. to a fine of not more than \$30. for each offense. Testimony from enforcement officials convinced the Committee that \$30. is a suitable and fair penalty. Testimony from other witnesses indicated that a fine of up to \$30. would be an excellent educational tool to encourage parents to buckle-up their kids. Vote 17-1. Rep. Toni Pappas for Health and Human Services.

Amendment

Amend RSA 265:107-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Any driver who violates the provisions of this section shall be subject to a fine of not more than \$30 *for each offense*. [Such fine may be waived, however, if the court is satisfied that the driver has purchased a child passenger restraint approved as provided in paragraph I, and that the driver will use it in the future.]

AMENDED ANALYSIS

This bill, as amended, increases the age requirement for the use of child passenger restraints from up to age 5 to up to age 12 and makes the fine applicable to each offense.

Amendment adopted.

Rep. Wells moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Wilson and Chambers spoke against the motion.

Rep. George Gordon spoke in favor of the motion and yielded to questions.

Rep. Donovan spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 147 NAYS 179
YEAS 147

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Holbrook, Locke, Pearson, Turner and Vogler.

CARROLL: Gene Chandler, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Cole, Corrigan, Delano, Doucette, LaMar, Morse, Pierce and David Young.

COOS: Brady, Brungot, Guay, Horton, Kilbride, Nelson, Purrington and Theriault.

GRAFTON: Adams, Blair, Christy, Driscoll, McAvoy, Rounds, Stewart and Howard Townsend.

HILLSBOROUGH: Ahern, Barbara Arnold, Baker, Beaupre, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Champagne, Cote, Cowenhoven, Gerard Desrochers, William Desrosiers, Paul Dionne, Ducharme, Dykstra, Clyde Eaton, Fields, Ruth Gage, Gagnon, Granger, Guilbert, Hatch, Holden, Cornelius Keane, Robert Kelley, Korcoulis, Kuchinski, Kurk, Leclerc, Levesque, Bonnie McCann, McRae, Morrisette, Packard, Paquette, Perham, Rodgers, Routhier, Soucy, Steiner, Stiles, Stonner, Turgeon, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Bardsley, Beaton, Laurent Boucher, Gilbreth, George E. Gordon, Lockwood, Nichols, Phelps, Doris Riley, Walter Robinson and Stio.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Benton, William Boucher, Eunice Campbell, Carpenito, Cressy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Bert Ford, Gourdeau, Hoar, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Newell, Palumbo, Popov, Scamman, Schmidtchen, Scott, Seward, Simon, Splaine, Welch and Wells.

STRAFFORD: Casey, Chamberlin, Anita Flynn, Edward Flynn, Frechette, Lachance, Swope and Ralph Torr.

SULLIVAN: Brodeur, Krueger, Lindblade, Peyron and Rodeschin.

NAYS 179

BELKNAP: Bowler, Hardy, Malcolm Harrington, Hawkins, Jensen, Maviglio, Randall, Lawrence Richardson, Thurston and Wixson.

CARROLL: Allard, Robert Holmes, Olimpio and Schofield.

CHESHIRE: Clark, Daschbach, Jesse Davis, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, Matson, Miller, Parker, Perry, Sawyer and Schwartz.

COOS: Frederic Foss, Marsh and Mayhew.

GRAFTON: Bean, Chambers, Copenhaver, Crystal, Densmore, Guest, Hammond, Wayne King, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Baldizar, Bourque, Buckley, Burkush, Cid, Cox, Cusson, Daigle, Ann Derosier, Domaingue, Donovan, Drolet, Dube, Dwyer, Joseph M. Eaton, Nancy Ford, Frank, Genest, Scott Green, Gureckis, Marian Harrington, Healy, Humphrey, Chris Jacobson, Michael Jones, Keefe, Donna Kelly, Alice Knight, Long, Lown, Lozeau, Magee, McGlynn, Messier, Moore, Robert Murphy, O'Rourke, Pappas, Pariseau, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Sallada, Schneiderat, Leonard Smith, Sullivan, Tarpley, Vanderlosk, Wagner and Zajdel.

MERRIMACK: Eleanor Anderson, James Chandler, Dunn, Fillion, Fraser, Gross, Hager, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Manus, Millard, Pantzer, Philbrick, Provencal, Rehlander, Tupper, West, Whittemore and Yeaton.

ROCKINGHAM: Barnes, Butler, Marilyn Campbell, Conroy, Cooke, Cushing, Drake, Thomas Gage, Elizabeth Greene, Hollingworth, Hynes, Joyce, Lovejoy, William F. McCain, McGovern, Pantelakos, Parr, Read, Ritzo, Sanderson, Schwaner, Sherburne, Skinner, Sochalski, Sytek, Tilton, Tufts, Vaughn, Weddle and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Dingle, Albert Dionne, Patricia Foss, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Martling, William McCann, Parks, Pelley, Spear, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Flint, Normandin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Reps. McGlynn, Eleanor Anderson and Weymouth notified the Clerk that they inadvertently voted nay and meant to vote yea.

Rep. Gilbreth notified the Clerk that he inadvertently voted yea and meant to vote nay.

Ordered to third reading.

SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness. Ought to Pass with Amendment.

Senate Bill 323 attempts to close a gap in coverage provided to children with severe disabilities who are too young to receive assistance from Social Security. There are 5 conditions which are covered by federal statute, but many others are in need of help. The bill establishes an oversight committee to set proper rules of procedure and the amendment merely specifies that several representatives of the Department of Health and Human Services be appointed by the Commissioner. The bill was originally introduced by senators who hope to supplement the \$1.00 that is currently in the bill. The House amendment simply added the Commissioner of Health and Human Services as the appointing authority for some of the Advisory Committee members. Vote 17-0. Rep. Robert F. Wilson for Health and Human Services.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to providing medical assistance to children who are severely disabled, establishing an oversight committee, and making an appropriation therefor.

Amend RSA 167:3-c, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Establishing an optional s' coverage group under RSA 167:6, VII to provide medical assistance : children under the age of 18 years who are severely disabled.

Amend the bill by replacing all after section 1 with the following:

2 Oversight Committee Established; Reimbursement; Report.

I. There is established a committee to review coverage of the new severely disabled group under RSA 167:6, VII. The members of the committee shall include:

- (a) The commissioner of health and human services or her designee.
- (b) A member of the house of representatives, appointed by the speaker of the house.
- (c) A member of the senate, appointed by the president of the senate.
- (d) A member of the medical profession, appointed by the governor.
- (e) A public member appointed by the governor.

(f) A parent of a disabled child, appointed by the governor.

(g) One representative each from the division of mental health and developmental services, the division for children and youth services, the division of public health services, and the division of human services, appointed by the commissioner of health and human services.

II. Legislative members of the committee shall be reimbursed for mileage at the legislative rate, and state employee members shall be reimbursed at the state employee mileage rate.

III. The oversight committee shall study and evaluate the new severely disabled group to be covered under RSA 167:6, VII and report to the speaker of the house, president of the senate, and the governor by April 1, 1989.

IV. The department of health and human services shall provide all necessary staff assistance to the committee.

3 Appropriation. There is hereby appropriated to the department of health and human services the sum of \$1 for the fiscal year ending June 30, 1989, for the purposes of this act. Said sum shall be in addition to any other sums previously appropriated to the department. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill instructs the director of the division of human services to adopt rules relative to providing medical assistance to children under 18 years who are severely disabled.

The bill, as amended, establishes an oversight committee to review the coverage of the new severely disabled group. The committee is to report by April 1, 1989.

Amendment adopted.

Referred to Appropriations.

SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor. Ought to Pass.

The bill, as amended by the Senate, appropriates to the Division of Human Services \$462,945 for fiscal year 1988, and \$925,890 for fiscal year 1989 to residents of shared homes. The bill also requires the Division of Human Services to implement its new rate structure for shared homes which incorporates Medicaid components no later than July 1, 1988.

All testimony was overwhelmingly in favor of this increase. The Association of Residential Care Facilities prepared an excellent booklet for the Committee which gave history, facts, and budget figures to prove their point. The Health and Human Services Committee would like to make a policy statement to the effect that it supports this integral part of the continuum of care for our elderly population. These homes keep people out of nursing homes, thereby saving money while providing a "healthy" environment. Vote 13-0. Rep. Matthew M. Sochalski for Health and Human Services.

Referred to Appropriations.

SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor. Ought to Pass with Amendment. Total reconstruction and full restoration of the old state house will revive the rich historical heritage of New Hampshire's original capitol and will serve as a mecca for New Hampshire citizens and children as well as for the hundreds of thousands of tourists who

visit our great state annually. Vote 14-3. Rep. Eugene Ritzo for Public Works.

Amendment

Amend the bill by replacing section 2 with the following:

2 Scope and Implementation of Plan.

I. The director, division of historical resources, department of libraries, arts and historical resources, with the approval of the commissioner, shall hire an architect to perform the following tasks:

(a) Supervise architecturally the project of restoration and reconstruction of the old state house.

(b) Prepare construction drawings and landscape plans for the old state house.

(c) Conduct necessary site studies and site preparation plans and ensure that the prime contractor obtains all necessary permits.

(d) Assist the director, division of historical resources in the selection and hiring of a qualified prime contractor to restore and reconstruct the old state house.

(e) Advise and assist the prime contractor in the moving of the existing remnant of the old state house to the desired new location.

(f) Design and advise the prime contractor in the laying of the new foundation.

(g) Assist and advise the prime contractor in the landscaping of the new site upon completion of reconstruction and clean-up of the old site.

II. If an archeological investigation of the proposed construction site is deemed necessary, the director shall hire an archaeologist to conduct such investigation.

III. The director may, within the limits of the available appropriation, hire other personnel or staff as he deems necessary to carry out the purposes of this act.

Amend section 3 of the bill by replacing it with the following:

3 Appropriation. The sum of \$1,750,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the division of historical resources, department of libraries, arts and historical resources for the purposes of this act. Such appropriation shall be reduced by the amount of funds donated from private and other public sources. This appropriation shall not lapse on June 30, 1988. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill outlines the action necessary to implement the recommendations made pursuant to a historical and architectural study performed on the original state house in Portsmouth, New Hampshire for the purpose of restoring and reconstructing it. The bill appropriates \$1,750,000 to the division of historical resources for the restoration work. This appropriation shall be reduced by the amount of funds donated from private and other public sources.

The bill, as amended, authorizes the division of historical resources, department of libraries, arts and historical resources to receive and expend private moneys and grants for the purposes of this act. The bill, as amended, also provides that the competitive bidding and performance bond requirements shall not apply to this project.

Rep. Pearson yielded to questions.

Rep. Lachance spoke against the report.

Rep. Ritzo spoke in favor of the report.

Question being on the Committee amendment, a division was requested.

209 members having voted in the affirmative and 114 in the negative, the amendment was adopted.

Referred to Appropriations.

SB 285-FN-A, limiting toll increases on the New Hampshire turnpike system. Inexpedient to Legislate.

While the Committee understood the sponsor's concern about major increases in tolls, the Committee felt it would be setting the stage for potential problems when going out to bonding. The bill proposes going from general obligation funding to revenue bonds which are not backed by the full faith and credit of the state and therefore would need a sufficient revenue stream. Vote 15-2. Rep. William J. Driscoll for Public Works.

Resolution adopted.

SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike. Ought to Pass.

In the 1986 session a feasibility study was authorized, but has not to date been started. It is essential that the study get underway particularly since 101 has been delayed. This bill has the support of the Concord and tri-city area chambers of commerce. Vote 12-4. Rep. Sandra B. Keans for Public Works.

Rep. Pearson yielded to questions.

Referred to Appropriations.

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula. Ought to Pass.

House Bill 289 authorizes the hiring of a consultant to review, study, and report on the effectiveness of the Foundation Aid Formula contained in RSA 198:27-33, and also study the effect, if any, of the formula on the quality of education provided by the school districts. The consultant shall submit interim reports in 1988, 1989, 1990 with a final report in 1991. Vote 13-0. Rep. E. Jane Walker for Education.

Rep. Gilbreth moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to his motion.

Rep. Hounsell spoke against the motion.

Motion lost.

Referred to Appropriations.

(Speaker in the Chair)

ENROLLED BILLS REPORT

HB 1134, relative to walking disability motor vehicle plates, cards, and parking privileges.

SB 253, relative to the length of vehicles.

SB 268, relative to litigation of small claims.

SB 273, relative to capital murder.

SB 287, relative to police assistance from other states.

Rep. Natalie S. Flanagan
For the Committee.

Rep. Ward presented the Ways and Means report and yielded to questions.

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REVISED ESTIMATES OF UNRESTRICTED REVENUES BY FUND SOURCE

	FY 1987 ACTUAL	FY 1988 LEGISLATIVE ESTIMATE	FY 1988 REVISED WAYS AND MEANS' ESTIMATE	FY 1989 LEGISLATIVE ESTIMATE	FY 1989 REVISED WAYS AND MEANS ESTIMATE
GENERAL FUND					
BEER	12,060,373	12,400,000	12,400,000	12,800,000	12,800,000
BOARD AND CARE	15,740,232	16,700,000	16,700,000	16,500,000	16,500,000
BUSINESS PROFITS TAX	150,007,729	143,000,000	170,000,000	145,000,000	165,000,000
ESTATE AND LEGACY TAXES	19,412,541	17,000,000	16,000,000	17,000,000	17,000,000
INSURANCE	33,255,418	34,000,000	38,000,000	34,800,000	40,000,000
INTEREST AND DIVIDENDS TAX	26,732,026	27,600,000	27,600,000	28,500,000	28,500,000
LIQUOR	48,682,346	47,000,000	49,000,000	47,000,000	50,000,000
MEALS AND ROOMS TAXES	69,786,903	76,000,000	77,000,000	83,000,000	83,000,000
PARKS INCOME	5,149,499	5,400,000	5,400,000	5,400,000	5,400,000
DQG RACING	8,239,901	8,190,000	9,000,000	8,190,000	9,000,000
HORSE RACING	1,179,025	1,010,000	1,000,000	1,510,000	1,500,000
REAL ESTATE TRANSFER TAX	44,768,177	48,000,000	36,000,000	50,000,000	38,000,000
TELEPHONE	8,196,779	8,000,000	9,000,000	8,000,000	9,000,000
CIGARETTE TAX	31,674,111	31,000,000	31,000,000	30,000,000	30,000,000
UTILITIES	6,426,930	6,700,000	6,700,000	6,900,000	6,900,000
OTHER	30,728,228	30,420,000	35,000,000	31,620,000	35,000,000
COURTS	18,288,031	19,900,000	19,900,000	21,000,000	21,000,000
SAVINGS BANK TAX	7,954,294	8,500,000	8,000,000	8,800,000	8,000,000
TOTAL	538,282,543	540,820,000	567,000,000	556,020,000	576,600,000

HIGHWAY FUND					
GASOLINE ROAD TOLL	79,310,984	81,800,000	84,000,000	85,100,000	89,000,000
MOTOR VEHICLE FEES	43,323,470	46,500,000	46,500,000	48,000,000	48,000,000
MISCELLANEOUS	3,398,068	3,000,000	4,600,000	3,000,000	3,600,000
TOTAL	126,032,522	131,300,000	135,100,000	136,100,000	140,600,000

FISH AND GAME FUND					
FISH AND GAME LICENSES	4,629,393	4,200,000	5,640,000	4,400,000	5,920,000
FINES AND PENALTIES	56,279	50,000	50,000	60,000	60,000
MISCELLANEOUS SALES	161,441	120,000	150,000	120,000	150,000
INDIRECT COSTS	168,762	150,000	160,000	160,000	170,000
TOTAL	5,015,875	4,520,000	6,000,000	4,740,000	6,300,000

CURRENT FINANCIAL PLAN FOR BIENNium ENDING JUNE 30, 1989
FOR THE GENERAL FUND AFTER ADJL FUND AFTER MAKING ALL ADJUSTMENTS FOR THE
FISCAL YEAR ENDING JUNE 30, 1987

THE PLAN DOES NOT CONSIDER ANY LEGISLATIVE ACTION TAKEN
DURING THE 1988 SESSION TO DATE.

	1988	1989	BIENNium
UNAPPROPRIATED SURPLUS FOR FISCAL YEARS ENDING JUNE 30,			
SURPLUS BEGINNING OF PERIOD			
ACTUAL AMOUNT FOR 1988	23,200	13,199	23,200
ESTIMATED REVENUES	540,820	556,020	1,096,840
TOTAL RESOURCES AVAILABLE	564,020	569,219	1,120,040
LESS NET APPROPRIATIONS	550,821	574,918	1,125,739
BALANCE AT END OF PERIOD	13,199	(5,699)	(5,699)
	*****	*****	*****

THE NET EFFECT OF WAYS AND MEANS GENERAL FUND UNRESTRICTED REVENUE
REVISIONS OF MARCH 29, 1988 CHANGES BALANCE AVAILABLE AT END OF BIENNium
FROM A DEFICIT OF \$5,699 MILLION TO A SURPLUS OF \$ 9 16.1 MILLION.

SUSPENSION OF RULES

Rep. Sytek moved that House Rule 43(a) Notice of the hearing shall be advertised in the House Calendar no less than four days prior to a hearing, on the following bills:

Senate Bills 297, 341, 289, 315, 296, 262, 322, 326, 294, 334, 323, 347, 247, 301 and HB 1206.

Rep. Sytek spoke to her motion.

Adopted by the necessary two-thirds.

The Dover Delegation, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 75

honoring the Dover High School Color Guard.

WHEREAS, the Dover High School Color Guard is a precision drill team comprised of thirty-four dedicated students, and

WHEREAS, the Dover High School Color Guard has been designated by the Australian government to represent New England April 30 in Brisbane at the opening ceremonies of Expo '88, the World's Fair, and

WHEREAS, the seven-member Rifle Line of the Dover High School Color Guard has been named the finest in New England by the New England Scholastic Band Association, and

WHEREAS, the Dover High School Color Guard has collected numerous other laurels and accolades, including those for an outstanding performance last New Year's Eve during halftime of the Bluebonnet Bowl in Houston, Texas, and

WHEREAS, for the past five years, the Dover High School Color Guard has won the title of Grand Champion at the national summer competitions conducted under the auspices of the Marching Auxiliaries of America, and

WHEREAS, the entire thirty-four members of the Dover High School Color Guard have been designated by the Marching Auxiliaries of America as 1988 All Americas, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the thirty-four member Color Guard be recognized and saluted for the high honors it has brought to Dover High School, the Town of Dover and the State of New Hampshire, and be it further

RESOLVED, that the Dover High School Color Guard be granted best wishes for an outstanding performance and enjoyable time in Australia, and that a suitable copy of this Resolution be prepared for presentation to Dover High School.

Unanimously adopted.

PERSONAL PRIVILEGE

Rep. Cushing addressed the House under Personal Privilege.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 5 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 342, amending the certificate of need law.

SB 290, relative to expenditures of funds from the highway surplus account.

SB 338-FN-A, relative to a statewide plan for public and private transportation.

SB 310-FN-A, relative to the purchase and distribution of breathalyzer machines and making an appropriation therefor.

SB 283, relative to protective services for adults.

SB 261, relative to setting seasons and bag limits on small game birds and animals.

SB 267-FN, relative to child passenger restraints in motor vehicles.

Rep. Burns moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 4:05 p.m.

RECESS

(Rep. Daschbach in the Chair)

ENROLLED BILLS REPORT

HB 731, relative to applications to vote for overseas voters.

HB 755, relative to the Goffstown police department.

HB 766, relative to utility easements.

HB 1063, reviving the charter of KAPPA Sigma House, Inc., Jackson Ski Touring Foundation, Inc., and Granliden Community Association, Inc., nonprofit organizations and making certain changes in the voluntary corporations law.

SB 260, relative to detection of airborne radon in homes.

SB 309, enabling cities and towns to transfer revenues from the land use change tax to the local conservation commission.

SB 333, relative to notaries public, commissioners of deeds, justices of the peace, the department of state, and emergency interim succession.

SB 337, adopting the uniform federal lien registration act.

Rep. Natalie S. Flanagan

Sen. John P.H. Chandler

For the Committee.

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Phelps moved that the House adjourn.

Adopted.

HOUSE JOURNAL 17

Tuesday, 5Apr88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God, the end is in sight. We can feel it -- almost taste it. We are beginning to recall that there is real life to be lived outside of this chamber. Keep us faithful to our task, in these waning days.

As we debate and decide, we are tempted to ask for a sign -- a bolt of lightning, or a burning bush or a voice from on high. Yet we know, Holy One, that You do not always work in such conspicuous ways.

So, rather, guide us gently and urge us to ask the right questions as we seek the right answers. Remind us that the people we serve look to us first for faithfulness and fairness. By the power of Your spirit, we ask it. Amen.

Rep. William McCann led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. McManus, McIntire and Frink, the day, illness.

Reps. Lemire, Haynes, Prestipino, Paul Dionne, Rodgers, Bean, Michael Jones, Callaghan, Gourdeau, Mulligan, Doucette and Nagel, the day, important business.

Rep. Doris Riley, the day, death in the family.

Reps. Gosselin, Joseph MacDonald and Bernard, the day, illness in the family.

INTRODUCTION OF GUESTS

Bill Keohan, guest of Reps. Buckley and Dwyer; Edward and Katie Domaingue, husband and daughter of Rep. Domaingue; former Representatives Audrey Carragher and Anna Van Loan, guests of the House; a group of New Hampshire Republican Women, guests of Reps. Flanagan, Skinner, Holden and Ward.

Deputy Speaker Burns introduced Representative Jane Maroney from Delaware and Alan Sokolow, Director, Eastern Office Council of State Governments, guests of the House.

SENATE MESSAGES CONCURRENCE

HB 884, relative to payment of rent by tenants.

HB 1053-FN, establishing the position of chief boiler inspector.

HB 1151, relative to licensing pharmacists.

HB 1193-FN, relative to chiropractic and making an appropriation therefor.

HB 1201, authorizing school districts to teach New Hampshire's cultural heritage and ethnic history in school.

HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses.

HB 467-FN, establishing a committee to study the allocation of funds and costs in the Tilton and Northfield union school district.

HB 749, permitting persons qualified to hunt from motor vehicles to hunt from OHRVs and ATVs.

HB 762-FN-A, making supplemental appropriations to the fish and game department.

HB 795, relative to motor vehicle liability policies.

HB 831-FN-A, relative to a one-time reimbursement for oil spill damage and making an appropriation therefor and relative to the administration of the oil pollution control fund.

HB 843-FN-A, appropriating funds for the northeast rural water association for equipment technical assistance and training to rural water systems.

HB 883-FN, relative to resident and nonresident wholesale marine species licenses.

HB 893-FN-A, making a supplemental appropriation to the fish and game department.

HB 1089-FN, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices.

HB 1178, relative to counting absentee ballots before the polls close.

HB 1192-FN, establishing a task force to study long term care insurance for the elderly.

CONCURRENCE WITH AMENDMENTS

SB 259, relative to child custody.

SB 343-FN, relative to liability for expenses of children under the supervision of the division for children and youth services.

SB 299, relative to deeds.

SB 293-FN, relative to asbestos management.

SB 288-FN, relative to placing articles on the official ballot and to declarations of candidacy in towns which have adopted the non-partisan ballot system.

SB 255, relative to school district boundaries.

SB 319, relative to cancellation or termination of insurance policies.

SB 242-FN, directing the state treasurer to loan funds to the towns of Exeter and Monroe for construction of sewage treatment facilities.

SB 284-FN-A, relative to exemption from tolls on the New Hampshire turnpike system.

NONCONCURRENCE

HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire.

HB 207-FN, relative to the siting and permitting of solid and hazardous waste disposal facilities.

HB 395, requiring the division of safety services, department of safety, to issue a copy of the state's safe boating publication.

HB 461, establishing a committee to study the potential deregulation and vertical disintegration of the electric utility industry.

HB 759-FN-A, relative to constructing facilities for the office of the chief medical examiner and making an appropriation therefor.

HB 943-FN, establishing a temporary program allowing the court to grant drivers' licenses conditional upon the use of ignition interlock

devices after certain DWI license revocations and authorizing the house judiciary committee to continue its study of ignition interlock devices.

HB 985, relative to the penalty for littering from boats.

REFERRED FOR INTERIM STUDY

HB 886, relative to the board of trustees of the university system of New Hampshire.

HB 981-FN, relative to renting video cassettes to minors and requiring proof of age for admission of minors to movies.

HB 447, relative to the right to know law.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 756, prohibiting harassment of police dogs or horses.
The President appointed Sens. Podles, Nelson and White.

HB 803, relative to snowmobile operation and changing compliance dates for ATV manufacturers.

The President appointed Sens. Preston, Hounsell and Torr.

HB 819, relative to the setting of black bear seasons.
The President appointed Sens. Hounsell, St. Jean and Freese.

HB 848, relative to burials on private property.
The President appointed Sens. Pressly, Heath and Charbonneau.

HB 881-FN, relative to weights and measures.
The President appointed Sens. Freese, Dupont and Disnard.

HB 897, relative to annual reports of county officers.
The President appointed Sens. Charbonneau, Johnson and Pressly.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 754-A, making an appropriation to acquire abandoned railroad rights of way. (Amendment printed SJ 3/15)

Rep. Pearson moved that the House concur.
Adopted.

HB 537-FN, relative to regulation of the practice of nursing.
(Amendment printed SJ 3/24)

Rep. Hawkins moved that the House concur.
Adopted.

HB 777-FN, relative to real estate appraisals conducted by banks and other lending institutions for loan applicants.

Rep. Fraser moved that the House concur.
Adopted.

HB 790-FN, relative to the public investments study committee
(Amendment printed SJ 3/24)

Rep. Fraser moved that the House concur.
Adopted.

HB 798-FN, relative to special function liquor licenses for clubs and special liquor licenses and permits for nonprofit organizations.

Rep. Phelps moved that the House concur.
Adopted.

HB 872-FN, regulating risk retention groups and purchasing groups.
(Amendment printed SJ 2/18)

Rep. Fraser moved that the House concur.
Adopted.

HB 899-FN-A, allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor.

Rep. Ezra Mann moved that the House concur.
Adopted.

HB 995-FN, relative to exemption from the gasoline tax and state license plates. (Amendment printed SJ 3/17)

Rep. Irvin Gordon moved that the House concur.
Adopted.

HB 953-FN-A, relative to a fire protection system for the vault in the state archives and making an appropriation therefor. (Amendment printed SJ 3/22)

Rep. Robert Kelley moved that the House concur.
Adopted.

HB 1016-FN, relative to municipal borrowing due to certain bankruptcies. (Amendment printed SJ 3/24)

Rep. Ezra Mann moved that the House concur.
Adopted.

CONFEREY CHANGE

HB 881 - Rep. Marilyn Campbell off; Rep. Millard on

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(8) Policy committees report all Senate money bills, be suspended on the following bills:

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements.

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct.

Adopted by the necessary two-thirds.

Rep. Phelps moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements, was removed at the request of Rep. Wayne King.

SB 279, relative to motor vehicle emissions testing, was removed at the request of Rep. Sytek.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

SB 276-FN, establishing a panel to address the effectiveness of the delivery of services to children and their families. (A) Ought to Pass with Amendment.

The amendment to this bill clarifies the Study Committee on Children and Youth, and it also appropriates supplemental money needed immediately by the Division of Children and Youth to pay foster families and group homes. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the introductory paragraph of 1987, 402:28, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The following, who shall serve as advisory members who shall be called upon for their expertise when needed by the committee:

Amend 1987, 402:28, I(c)(14) as inserted by section 1 of the bill by replacing it with the following:

(14) one full-time judge and one part-time judge of the New Hampshire district court system, appointed by the President of the New Hampshire District and Municipal Court Judges' Association.

Amend 1987, 400:1.05, 02, 03, 02, 07, as inserted by section 2 of the bill by replacing it with the following:

- 05 Health and social services
- 02 Department of health and human services
- 03 Division for children and youth services
- 02 Bureau of children
- 07 DCYS - settlement

	<u>FY 88</u>	<u>FY 89</u>
90 DCYS settlement	[16,419,437]	16,199,171
	17,706,126	
Total	[16,419,437]	16,199,171
	17,706,126	
	<u>FY 88</u>	<u>FY 89</u>
Estimated source of funds for		
DCYS - settlement		
00 Federal funds	600,000	600,000
05 Private or local funds	[3,954,858]	3,899,793
	4,276,530	
General fund	[11,864,579]	11,699,378
	12,829,596	
Total	[16,419,437]	16,199,171
	17,706,126	

SB 291, relative to refunds of insurance premiums. Ought to Pass with Amendment.

This bill addresses the need to require insurance companies to return premiums to the policyholders within thirty days or pay interest at the legal rate, commencing on the thirty-first day.

Part two amends the bill to require the insurance agent to remit return premiums to its customers within ten days after receipt of return premium information. Vote 16-0. Rep. Paul R. Dionne for Commerce, Small Business and Consumer Affairs.

Amendment

Amend section 2 of the bill by inserting after RSA 408-A:8, II the following new paragraphs:

II-a. Whenever an insurance contract is cancelled at the request of an insurance agent for non-payment of premium, the insurer shall return whatever unearned premiums are due under the insurance contract to the insurance agent for the account of the insured or insureds as soon as reasonably possible, but in any event, within 30 days after the effective date of the cancellation. In the event that a crediting of return premiums to the account of the insured results in a surplus over the amount due the insurance agent from the insured, the insurance agent shall refund, within 10 days of receipt of return premium information, such excess to the insured, provided that no such refund shall be required if it amounts to less than \$1.

II-b. In cases where the amount of refund is in bona fide dispute or where the final premium amount is subject to audit or other adjustment in accordance with policy provisions, the refund shall not become due until the dispute is resolved or the audit or other adjustment of premium is completed and the final amount of the premium has been determined.

AMENDED ANALYSIS

This bill, as amended, requires an insurance company which owes a person a refund on an insurance premium to pay the refund within 45 days of the date on which it becomes due, except refunds on private passenger automobile or domestic fire or homeowners coverage must be paid within 30 days of the date due. The bill requires interest to be paid at the legal rate on all refunds not paid by the date due.

As amended, the bill changes the 60-day premium refund to cancelled financed insurance contracts to 30 days and requires a 30-day refund period on credit life and accident and health insurance policies, certificates or notices.

The amended bill requires an insurer to return to an insurance agent unearned premiums due on a contract cancelled at the request of the insurance agent for non-payment of premium. The amended bill also requires that, in the event of a dispute about the amount of the refund, no refund shall be made until the dispute is resolved.

SB 328-FN, relative to sexual misconduct by psychotherapists. Ought to Pass with Amendment.

This bill provides that psychotherapists who engage in sexual misconduct with clients or former clients shall be subject to disciplinary action. Vote 11-0. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court finds that psychotherapists who engage in sexual misconduct with a client or a former client shall be subject to disciplinary action, and the general court hereby proclaims such conduct to be unethical, unprofessional, and dishonorable.

Amend RSA 330-A:10-a as inserted by section 3 of the bill by replacing it with the following:

330-A:10-a Information on Sexual Misconduct. The board shall inform all applicants for certification under this chapter that the board deems sexual misconduct as provided in RSA 330-A:24 to be unethical, unprofessional, and dishonorable conduct subject to disciplinary action by the board. The board shall make available to all psychologists or other persons certified or applying for certification under this chapter information and materials, as determined by the board pursuant to RSA 541-A, regarding such sexual misconduct.

Amend RSA 330-A:23, III as inserted by section 5 of the bill by replacing it with the following:

III. "Psychotherapist" means a psychologist, certified clinical social worker, or certified pastoral counselor who performs or purports to perform psychotherapy.

Amend RSA 330-A:23, V as inserted by section 5 of the bill by replacing it with the following:

V. "Sexual relations" means the intentional touching of any part of the client's body or any verbal or non-verbal communication for the purpose of sexual arousal or gratification of either party.

Amend RSA 330-A:25, I as inserted by section 5 of the bill by replacing it with the following:

I. If, during the course of mental health therapy a client alleges that his previous psychotherapist has engaged with the client in sexual misconduct, as defined in RSA 330-A:24, the psychologist or person certified under this chapter shall have a duty to inform the client in the manner provided for in paragraph II.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Subpoena Power. Amend RSA 330-A:15 by inserting after paragraph IV the following new paragraph:

V. The board shall have the authority to subpoena witnesses, records, and documents, as needed, and administer oaths to those testifying at hearings.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that psychotherapists who engage in sexual misconduct with clients or former clients shall be subject to disciplinary action.

This bill also imposes a duty upon psychologists and other persons certified by the state board of examiners of psychologists to inform the client or former client that such sexual misconduct by a previous psychotherapist is cause for disciplinary action by the board.

The bill also requires the board of examiners of psychologists to inform all applicants for certification that sexual misconduct is subject to disciplinary action and requires the board to distribute information regarding sexual misconduct to persons certified under it.

The bill, as amended, provides that no civil or criminal liability shall arise against a psychotherapist for disclosing information to the board when it is conducting disciplinary proceedings, if such information is disclosed in good faith.

SB 348, relative to licensing of health care facilities. Ought to Pass with Amendment.

This bill is designed to reduce red tape in the licensing and certification of certain health care facilities. It also makes some technical changes in the procedures for reclassification of such facilities. The Senate voted to eliminate licensing of facilities caring for 3 or fewer persons, but hearing much opposition to this provision, the Committee approved an amendment to narrow the scope of the exemption to only those facilities certified by the Division of Mental Health and Developmental Services. Vote 12-0. Rep. Marion L. Copenhagen for Health and Human Services.

Amendment

Amend RSA 151:2 as inserted by section 1 of the bill by replacing it with the following:

151:2 Requirement for License. No hospital or other facility, building, residence, private home, home health care provider, or other place or part thereof, however named, whether operated for profit or not, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing diagnosis or treatment, or medical, nursing, obstetrical or other remedial or personal care or supervision or sheltered services for persons who are suffering from illness, injury, deformity, infirmity or other physical or mental handicap shall be established, conducted or maintained in this state without first obtaining a license therefor in the manner provided in this chapter. This requirement includes diagnostic or treatment facilities such as community health centers, outpatient clinics and laboratories operated by public, voluntary, commercial or professional associations or organizations, and also includes any facility in which mentally disabled or developmentally disabled persons are housed, whether or not the facility is considered a health facility. However, nothing herein shall be construed as requiring the licensing of facilities which are maintained and operated for the continuing care of one person or 3 or fewer persons in a facility certified by the director of the division of mental health and developmental services under RSA 126-A:39 and 126-A:40; of facilities maintained and operated for the sole benefit of persons related to the owner or manager by blood or marriage within the third degree of consanguinity; of facilities maintained and operated by any church or religious denomination solely for those ordained clergy, members of religious orders or their bona fide guests who are provided care without charge provided such facility was fully operational on or before January 1, 1979; of physicians' offices and related facilities; of offices and related facilities of other persons licensed in this state to practice a health care profession; or of facilities which may be exempted by rules adopted under this chapter.

SB 271-FN, establishing a study committee to examine the feasibility of relocating state agencies in Concord. Ought to Pass with Amendment.

As amended by the Senate, the bill created a new committee to accomplish the study called for in the title. The charge is nearly consistent with the duties of the Long Range Capital Planning and Utilization Committee created by RSA 17-M:1. The Committee recommends that Committee be responsible for the study. The amendment alters the membership slightly to provide increased representation of the executive branch and the addition of a public member. Vote 18-0. Rep. James A. Chandler for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the long range capital planning and utilization committee to examine the feasibility of relocating state agencies in Concord and altering the membership of such committee.

Amend the bill by replacing sections 1 and 2 with the following:

1 Study Initiated. The long range capital planning and utilization committee, established in RSA 17-M:1, shall study the feasibility of locating all state agencies which rent space for their offices to state-owned locations in Concord. In conducting this study, the committee shall examine:

I. The amount and type of space rented or leased by the state, for the purpose of housing its agencies, including an assessment of the costs to the state for this purpose.

II. Projected needs for future space.

III. Availability of sufficient state land for future building needs.

IV. Probable costs of implementing a plan to house all state agencies on state land in Concord.

2 Committee Membership Altered. RSA 17-M:1 is repealed and reenacted to read as follows:

17-M:1 Committee Established. There is hereby established a committee to be known as the long range capital planning and utilization committee. The committee shall consist of 3 members of the senate appointed by the senate president, not more than 2 of whom shall be of the same party; 3 members of the house appointed by the speaker of the house, not more than 2 of whom shall be of the same party; the commissioner of administrative services or his designee; the commissioner of transportation or his designee; and one public member with experience in property management and development, appointed by the governor. The president of the senate and the speaker of the house may, at any time, appoint alternate senate and house members to replace regular members who are unable to appear at a committee meeting. The legislative members shall serve for the balance of their elected terms and the appointee of the governor shall serve for the balance of the term of the governor. The committee shall choose a chairman, vice-chairman and clerk from among its members. The members shall receive no compensation for their services, but the legislative members shall receive legislative mileage while on official business. Each member shall be reimbursed for his expenses incurred on official business.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the long range capital planning and utilization committee to study the feasibility of relocating state agencies whose office space is rented by the state to one location on state land in Concord.

The bill also slightly alters the membership of that committee.

SB 339-FN, relative to purchasing airports, establishing airport districts, and airport property tax base sharing agreements. Refer for Interim Study.

This bill is of major importance to airport preservation and future development. There are 3 key areas: (1) the state would be offered first refusal of any privately-owned airports in order to preserve the air strips; (2) municipalities would be encouraged to establish airport districts which would offer tax incentives for those building structures within that district; (3) the bill also allows cooperation in those situations where the airport belongs to one community, but is located within another community. However, the Committee feels that further study is needed to examine all aspects of the bill. Vote 17-0. Rep. Sandra B. Keans for Public Works.

COMMITTEE REPORTS
(Regular Calendar)

SB 306-FN, relative to low-dose mammography screening. Ought to Pass with Amendment.

This bill requires coverage for screening by low-dose mammography for all women thirty-five years of age or older, to detect the presence of occult breast cancer. The bill also establishes a study committee to examine the need for uniform regulation of persons who operate x-ray equipment, including mammography machines in this state. The bill defines "low-dose mammography" with language approved by the Department of Health and Human Services. Vote 15-1. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to low-dose mammography screening and establishing a
committee to examine regulating persons
operating x-ray equipment.

Amend RSA 417-D:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Low-dose mammography" means the X-ray examination of the breast using equipment dedicated specifically for mammography, including the X-ray tube, filter, compression device, screens, films, and cassettes, with a radiation exposure which is diagnostically valuable and in keeping with the recommended "Average Patient Exposure Guides" as published by the Conference of Radiation Control Program Directors, Inc.

Amend RSA 417-D:5 as inserted by section 2 of the bill by replacing it with the following:

417-D:5 Penalty. Any insurer that violates any provision of this chapter or any rule adopted pursuant to it, may, at the discretion of the commissioner, have its certificate of authority indefinitely suspended or revoked.

Amend the bill by replacing section 4 with the following:

4 Study Committee Established; Duties.

I. There is established a study committee to examine the need for uniform regulation of persons who operate x-ray equipment, including mammography machines, in New Hampshire. The committee shall also examine the age requirement for insurance coverage for mammography as established in section 2 of this act. The committee shall consist of 6 members, as follows:

(a) One member from the house executive departments and administration committee, who shall be the chairman.

(b) One member from the house health and human services committee.

(c) Two members of the senate, appointed by the senate president.

(d) The director of the division of public health services, department of health and human services, or his designee.

(e) A representative from the radiological health program of the division of public health services, department of health and human services.

II. The chairperson shall call the first meeting of the committee no later than June 1, 1988.

5 Report. The committee shall submit its findings together with its recommendations to the speaker of the house, the president of the senate and the governor no later than September 1, 1988.

6 Compensation. Members of the study committee shall serve without compensation, except that members of the legislature shall receive mileage at the legislative rate.

7 Effective Date.

I. Sections 1-3 of this act shall take effect January 1, 1989.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that insurers issuing or renewing any accident and health policy providing benefits for hospital expenses, medical-surgical expenses or major medical expenses provide in each group or individual policy, contract, or certificate of insurance issued or renewed to persons who are residents of this state, coverage for screening by low-dose mammography for all women 35 years of age or older to detect the presence of occult breast cancer.

The bill also requires medicare supplement policies, contracts, or certificates issued in this state to offer the same coverage.

The bill, as amended, establishes a committee to examine the need for regulation of persons operating x-ray equipment, including mammography machines, in New Hampshire. The committee shall also examine the age requirements established under this bill for insurance coverage for screening by low-dose mammography.

Amendment adopted.

Ordered to third reading.

SB 344-FN, relative to the consignment of artworks. Ought to Pass. This codification protects artists from themselves and their artworks from art dealers. It creates trusts for artworks consigned and for moneys received, before or after bankruptcy. SB 344 fills a void in RSA 352, is soundly supported by case law and will be helpful to the artistic community. Vote 14-2. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Ordered to third reading.

SB 351, relative to regional banking and mutual savings banks.

Majority: Ought to Pass with Amendment.

MAJORITY: This bill was introduced to deal with technical problems confronting mutual savings banks and to address the fact that New Hampshire's Interstate Banking Law is not working as intended. As amended, its scope has been narrowed to become a New England regional bill structured to make the law enacted last year work as intended.

The mutual bank sections have been removed since they were covered by HB 812, passed earlier in the Session. The Committee amendment reflects a compromise reached earlier in the Senate. It reinstates New England Regional Interstate Banking for New Hampshire, with technical improvements to make the regional law enacted last year more workable.

The Committee found that the law enacted last year was not working as intended. In fact, although it is creating new competition for smaller banks, it leaves New Hampshire's larger banks without competition. The Committee believes these banks should have such competition because it benefits the consumer.

The Committee version adopts the Senate formula for entry to New Hampshire, requiring that a New England bank have a majority of its deposits in New England at the time of entry. The Committee added a strong anti-leapfrog provision requiring the prompt divestiture of any New Hampshire bank which at any time becomes controlled directly or indirectly by any non-New-England bank or bank holding company. Reciprocity is removed. It is no longer needed in the New England Region because all six states now have interstate banking. In a special appearance before the Committee, the Attorney General urged the prompt adoption of the Committee Report as a help in enforcing the banking law and to benefit consumers. The Bank Commissioner also supports it. The remaining amendments are technical. The bill provides for continued eligibility for those banks already approved under the old law.

The Committee felt that the New England regional law enacted should be made workable and that a national trigger was premature at this point. Vote 15-2. Rep. Bonnie B. Packard for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY STATEMENT: The minority of the Committee feels that the bill as amended, does nothing to protect the interest of New Hampshire consumers, but merely serves as a convenient vehicle for a Rhode Island bank (recently merged with a New York Bank) to stay in New Hampshire. It is unconscionable for the Commerce, Small Business and Consumer Affairs Committee to ignore the needs of consumers and New Hampshire communities while catering exclusively to the banking industry. The minority believes it is its legislative responsibility to safeguard the needs of both. The floor amendment that the minority offers sets forth certain basic safeguards that will insure that the needs of consumers and communities will be recognized and protected. Rep. A. Leslie Burns for the Minority of Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to regional banking.

Amend the bill by replacing all after section 1 with the following:

2 New England Regional Authorization to Affiliate. Amend RSA 384:45 to read as follows:

384:45 New England Regional Authorization [of Affiliation] to *Affiliate*. This subdivision authorizes the establishment of new New Hampshire banks and the acquisition of New Hampshire banks or bank holding companies by an out-of-state New England bank or New England bank holding company *if at the time of the approval of a certificate to affiliate by the board of trust company incorporation the out-of-state New England bank or New England bank holding company is in compliance with the requirements of this subdivision.*

3 Application for Certificate; Statement of Proof. RSA 384:48, I(h) is repealed and reenacted to read as follows:

(h) A statement of proof by the affiliating bank or bank holding company that it is in compliance with the requirements of RSA 384:44, IX and X, as applicable; and an undertaking by the affiliating bank or bank holding company that it will be in compliance with such requirements as applicable at the time of the approval of a certificate to affiliate by the board of trust company incorporation.

4 New Paragraph; New Hampshire Affiliations by a Certificate Holder. Amend RSA 384:48 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding any provision of law to the contrary, any out-of-state New England bank or bank holding company which affiliates with a New Hampshire bank or bank holding company pursuant to the provisions of this subdivision shall have all the same powers, rights and privileges and shall be subject to all the same duties and restrictions as exist for New Hampshire banks and bank holding companies.

5 Penalties; Divestiture. RSA 384:52, II is repealed and reenacted to read as follows:

II. In the event that an out-of-state New England bank or bank holding company, which has affiliated with a New Hampshire bank or bank holding company pursuant to the provisions of this subdivision, is directly or indirectly acquired by a bank or bank holding company with a principal place of business in any state other than a New England state, the attorney general, at the request of and in the name of the commissioner, shall seek prompt divestiture of any New Hampshire bank affiliated with said out-of-state New England bank or bank holding company.

6 Acquisitions by Out-of-State New England Banks. RSA 384:47 is repealed and reenacted to read as follows:

384:47 Acquisitions by Out-of-State New England Banks and Holding Companies.

I. An out-of-state New England bank or bank holding company may directly or indirectly acquire 5 percent or more of the voting stock of a New Hampshire bank or bank holding company following the issuance of a certificate in accordance with the provisions of RSA 384:48-50 by the board of trust company incorporation.

II. Any proposed acquisition for which approval is sought pursuant to paragraph I shall be subject to the provisions of RSA 384-B:3.

7 Applicability. Notwithstanding any provision of law to the contrary, any holder of a certificate to affiliate approved prior to the effective date of this act shall be deemed to be a New England bank or bank holding company for purposes of RSA 384:44-55, but shall be subject to the provisions of RSA 384:52, II.

8 Repeal. RSA 384:48, I(i), relative to rights of New Hampshire banks or bank holding companies similarly to affiliate, is hereby repealed.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, revises the regional requirement for out-of-state bank holding companies applying for certificates to be affiliated with New Hampshire banks and bank holding companies.

The bill, as amended, also provides that any holder of a certificate to affiliate which, prior to the effective date of this act, qualified as a New England bank or bank holding company at the time of the granting of said certificate shall be deemed to be a New England bank or bank holding company for the purposes of RSA 384:44-55.

Rep. Nancy Ford moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Fraser and Packard spoke against the motion and yielded to questions.

Rep. Emma Wheeler spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

Reps. Leonard Smith, Hollingworth and Lewis abstained from voting under Rule 16.

YEAS 131 NAYS 220
YEAS 220

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hawkins, Jensen and Maviglio.

CARROLL: Gene Chandler, Dickinson, Olimpio and Schofield.

CHESHIRE: Clark, Cole, Delano, Foster, Hunt, Morse and Sawyer.

COOS: Brady, Frederic Foss, Kilbride, Marsh, Mayhew, Nelson and Purrington.

GRAFTON: Adams, Bennett, Blair, Driscoll, Lougee and Ward.

HILLSBOROUGH: Beaupre, Boutwell, A. Leslie Burns, Chretien, Cote, Cowenhoven, Cox, Daigle, Domaingue, Donovan, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Gagnon, Granger, Betty Hall, Marian Harrington, Donna Kelly, Korcoulis, Kurk, Lefebvre, Levesque, Bonnie McCann, McGlynn, McRae, Messier, Morrisette, Robert Murphy, Pariseau, Perham, Ellen-Ann Robinson, Schneiderat, Shriver, Stonner, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, George E. Gordon, Douglas Hall, Millard, Nichols, Rehlander, Walter Robinson, Tupper and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, Blanchard, Butler, Eunice Campbell, Marilyn Campbell, Cushing, Drake, Bert Ford, Hoar, Hynes, Joyce, Roger King, Lovejoy, McGovern, Merchant, Pevear, Read, Ritzo, Rosencrantz, Schwaner, Seward, Simon, Tilton, Tufts, Vaughn, Walker, Warburton, Welch and Wells.

STRAFFORD: Casey, Chamberlin, Albert Dionne, Patricia Foss, Frechette, Jean, Sandra Keans, Laurion, Lussier, Musler, Parks, Proulx, Spear, Swope, Ralph Torr and John Young.

SULLIVAN: Brodeur, Cutting, Domini, McKee and Spaulding.

NAYS 220

BELKNAP: Hardy, Malcolm Harrington, Holbrook, Pearson, Randall, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Blacketor, Corrigan, Daschbach, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, LaMar, Matson, Miller, Parker, Perry, Pierce, William Riley, Schwartz and David Young.

COOS: Brungot, Harold Burns, Guay, Horton, Oleson and Theriault.

GRAFTON: Arnesen, Chambers, Christy, Copenhaver, Densmore, Guest, Hammond, Wayne King, LaMott, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Lionel Boucher, Bourque, Bowers, Buckley, Burkush, Champagne, Cid, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, Drolet, Dube, Dupont, Dwyer, Fields, Frank, Ruth Gage, Gelinas, Genest, Scott Green, Grip, Guilbert, Gureckis, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kuchinski, Leclerc, Long, Lown, Magee, Mason, Moore, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Reardon, Reidy, Routhier, Sallada, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Wood and Zajdel.

MERRIMACK: Asplund, Austin, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lockwood, Merton Mann, Manus, Pantzer, Phelps, Provencal, Gerald Smith, Stio, Wallner, West and Whittemore.

ROCKINGHAM: Carl Anderson, Benton, Blanchette, William Boucher, Buco, Carpenito, Conroy, Cooke, Cressy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Klemarczyk, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Pantelakos, Parr, Popov, Sanderson, Schmidtchen, Scott, Skinner, Sochalski, Splaine, Sytek, Vartanian, Weddle and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Dingle, Anita Flynn, Edward Flynn, Robert Jones, Kincaid, Kinney, Koromilas, Martling, Pelley, Francis Robinson, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Rep. A. Leslie Burns offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to regional banking.

Amend the bill by replacing all after section 1 with the following:

2 New England Regional Authorization to Affiliate. Amend RSA 384:45 to read as follows:

384:45 New England Regional Authorization [of Affiliation] to *Affiliate*. This subdivision authorizes the establishment of new New Hampshire banks and the acquisition of New Hampshire banks or bank holding companies by an out-of-state New England bank or New England bank holding company *if at the time of the approval of a certificate to affiliate by the board of trust company incorporation the out-of-state New England bank or New England bank holding company is in compliance with the requirements of this subdivision.*

3 Application for Certificate; Statement of Proof. RSA 384:48, I(h) is repealed and reenacted to read as follows:

(h) A statement of proof by the affiliating bank or bank holding company that it is in compliance with the requirements of RSA 384:44, IX and X, as applicable; and an undertaking by the affiliating bank or bank holding company that it will be in compliance with such requirements as applicable at the time of the approval of a certificate to affiliate by the board of trust company incorporation.

4 New Paragraph; New Hampshire Affiliations by a Certificate Holder. Amend RSA 384:48 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding any provision of law to the contrary, any out-of-state New England bank or bank holding company which affiliates with a New Hampshire bank or bank holding company pursuant to the provisions of this subdivision shall have all the same powers, rights and privileges and shall be subject to all the same duties and restrictions as exist for New Hampshire banks and bank holding companies.

5 Penalties; Divestiture. RSA 384:52, II is repealed and reenacted to read as follows:

II. In the event that an out-of-state New England bank or bank holding company, which has affiliated with a New Hampshire bank or bank holding company pursuant to the provisions of this subdivision, is directly or indirectly acquired by a bank or bank holding company with a principal place of business in any state other than a New England state, the attorney general, at the request of and in the name of the commissioner, shall seek prompt divestiture of any New Hampshire bank affiliated with said out-of-state New England bank or bank holding company.

6 Acquisitions by Out-of-State New England Banks. RSA 384:47 is repealed and reenacted to read as follows:

384:47 Acquisitions by Out-of-State New England Banks and Holding Companies.

I. An out-of-state New England bank or bank holding company may directly or indirectly acquire 5 percent or more of the voting stock of a New Hampshire bank or bank holding company following the issuance of a certificate in accordance with the provisions of RSA 384:48-50 by the board of trust company incorporation.

II. Any proposed acquisition for which approval is sought pursuant to paragraph I shall be subject to the provisions of RSA 384-B:3.

7 Applicability. Notwithstanding any provision of law to the contrary, any holder of a certificate to affiliate approved prior to the effective date of this act shall be deemed to be a New England bank or bank holding company for purposes of RSA 384:44-55, but shall be subject to the provisions of RSA 384:52, II.

8 Repeal. RSA 384:48, I(i), relative to rights of New Hampshire banks or bank holding companies similarly to affiliate, is hereby repealed.

9 New Subdivision; Requirements; Regional Banking Affiliation. Amend RSA 384 by inserting after section 55 the following new subdivision:

Additional Requirements for Regional Banking

384:56 Applicability. The provisions of this subdivision shall apply to applications for affiliations under RSA 384:44-55, and shall be in addition to any other requirements under state law. For each application for affiliation by a bank or bank holding company, the board of trust company incorporation shall follow the procedures and requirements of this subdivision.

384:57 Criteria; Promotion of General Good of State.

I. The board of trust company incorporation shall determine whether the proposed affiliation will promote the general good of the state, making specific written findings on each of the following

criteria. The board of trust company incorporation shall not approve the application unless it finds that the proposed affiliation:

(a) Will result in the employment of net new funds within the state of New Hampshire. The finding as to net new funds shall take into consideration, in addition to the applicant's plans for capital investment, such other factors as its policies on loans, investments, and dividends, and its general business operations, including the range of individual and business services to be offered and the charges for such services.

(b) Will maintain a capital/equity ratio equal to that required for New Hampshire banks.

(c) Will maintain a reasonable level of deposits in the bank to be established or acquired within the state.

(d) Will result in the enhancement of the new or acquired bank's ability to meet the credit needs of its entire community, consistent with safe and sound operation of the bank. In making this determination the board of trust company incorporation shall assess and consider the past performance of the existing bank subsidiaries of the applicant and of the expected future performance of the new or acquired bank in the following areas:

(1) The bank's participation, including investments, in local community development and redevelopment projects or programs.

(2) The bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement and energy conservation loans, student loans, loans to women and minority-owned businesses and small business or small farm loans within its community, or the purchase of such loans originated in its community.

(3) The bank's participation in governmentally-insured, guaranteed, or subsidized loan programs for education, housing, small businesses or small farms, such as the New Hampshire housing finance authority, the New Hampshire higher education assistance foundation, the New Hampshire industrial development authority, the Small Business Administration, and the Farmers Home Administration.

(4) The bank's ability to meet various community credit needs based on its financial condition and size, legal impediments, local economic conditions, and other factors.

(5) Any practices intended to discourage applications for types of credit offered by the bank.

(6) The geographic distribution of the bank's credit extensions, credit applications, and credit denials.

(7) Evidence of prohibited discriminatory or other illegal credit practices.

(8) The bank's record of opening and closing offices and providing basic banking services at those offices, such as lifeline checking and savings accounts.

(9) Any conviction for a felony within the preceding 5 years or pending indictment for a felony relating to the business of banking by any applicant or its subsidiaries, or any of their current directors or officers.

(10) The extent of nonperforming loan and foreign loan exposure and disclosure of such information relating thereto as the board of trust company incorporation may require.

(e) Will not relieve any corporation of any obligation of its charter franchise.

(f) Will favorably affect the economy of the state as a whole or of any area affected by the proposed transaction.

(g) Will favorably affect the establishment and use of small trust accounts, and borrowers or depositors of small sums.

II. Approval of an application shall be conditioned upon the applicant entering into a contract assuring the continuing operation of the newly established or acquired New Hampshire bank or New Hampshire

bank holding company in a manner that conforms to the findings pertaining to net new funds, maintenance of deposits, community credit needs, and other findings required by paragraph I of this section. As part of such contract, the applicant shall agree that it, as well as any New Hampshire bank or New Hampshire bank holding company acquired by it, shall provide reports and permit examinations of its records to the extent considered necessary by the bank commissioner to monitor and enforce the provisions of Title XXXV.

III. In making its determination under this subdivision, the board of trust company incorporation shall consider any reports, findings, or other actions taken by other state or federal agencies having jurisdiction over the applicant or the bank or bank holding company to be acquired.

384:58 Monitoring Requirement. Each bank or bank holding company subject to the provisions of this subdivision shall submit to the bank commissioner, on an annual basis, a report which reflects its loans and investments in New Hampshire by county for commercial non-real estate purposes and for mortgages and home improvements, and which indicates the number and amounts of deposits by county.

384:59 Rulemaking; Bank Commissioner. The bank commissioner shall adopt rules, pursuant to RSA 541-A, relative to the information which may be submitted as confidential in applications under this subdivision.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, revises the regional requirement for out-of-state bank holding companies applying for certificates to be affiliated with New Hampshire banks and bank holding companies.

The bill, as amended, also provides that any holder of a certificate to affiliate which, prior to the effective date of this act, qualified as a New England bank or bank holding company at the time of the granting of said certificate shall be deemed to be a New England bank or bank holding company for the purposes of RSA 384:44-55.

This bill, as amended, inserts a new subdivision with additional requirements for regional banking affiliations. The bill requires the board of trust company incorporation to make specific findings on applications before the board regarding whether approval of the application would promote the general good of the state, based on detailed criteria.

This bill sets out additional examination and reporting requirements for banks which are permitted to regionally affiliate.

This bill also requires the bank commissioner to adopt rules relative to information which may be submitted as confidential on applications to affiliate regionally.

Rep. Arnesen spoke in favor of the amendment.

(Deputy Speaker Burns in the Chair)

Rep. Buckley spoke against the amendment.

(Speaker in the Chair)

Rep. A. Leslie Burns spoke in favor of the amendment and yielded to questions.

Reps. Pantzer, Stiles and Sara Townsend spoke against the amendment.

Rep. Wayne King spoke in favor of the amendment and yielded to questions.

Rep. Dexter spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

Rep. Lewis abstained from voting under Rule 16.

YEAS 146 NAYS 201
YEAS 146

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hawkins, Jensen and Maviglio.

CARROLL: Gene Chandler, Dickinson, Hounsell, Olimpio and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Delano, Foster, Hunt, LaMar, Morse, William Riley and Schwartz.

COOS: Brady, Frederic Foss, Kilbride, Marsh, Mayhew, Nelson and Oleson.

GRAFTON: Arnesen, Bennett, Blair, Copenhaver, Densmore, Driscoll, Guest, Wayne King, Lougee, Ward and Whitcomb.

HILLSBOROUGH: Baldizar, Bass, Beaupre, Bowers, A. Leslie Burns, Chretien, Cote, Cowenhoven, Cox, Ann Derosier, Domaingue, Donovan, Dube, Ducharme, Dykstra, Nancy Ford, Frank, Gagnon, Granger, Betty Hall, Marian Harrington, Donna Kelly, Korcoulis, Kuchinski, Kurk, Lefebvre, Levesque, Long, Lown, Bonnie McCann, McGlynn, McRae, Messier, Morrisette, Robert Murphy, Perham, Pignatelli, Reardon, Reidy, Ellen-Ann Robinson, Shriver, Stonner, Vanderlosk, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Dunn, George E. Gordon, Douglas Hall, C. William Johnson, Burton Knight, Lockwood, Millard, Nichols, Rehlander, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Butler, Marilyn Campbell, Cressy, Cushing, Bert Ford, Hoar, Hynes, Joyce, Lovejoy, McGovern, Merchant, Pevear, Popov, Read, Rosencrantz, Schwaner, Seward, Simon, Splaine, Vaughn, Walker, Warburton, Weddle, Welch and Wells.

STRAFFORD: Casey, Chamberlin, Albert Dionne, Patricia Foss, Sandra Keans, Koromilas, Laurion, Lussier, William McCann, Parks, Pelley, Proulx, Spear, Ralph Torr and John Young.

SULLIVAN: Brodeur and Normandin.

NAYS 201

BELKNAP: Hardy, Malcolm Harrington, Holbrook, Pearson, Randall, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Corrigan, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Harold Burns, Guay, Horton, Purrington and Theriault.

GRAFTON: Adams, Chambers, Christy, Hammond, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter and Weymouth.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Lionel Boucher, Bourque, Boutwell, Buckley, Burkush, Champagne, Cid, Cusson, Daigle, Gerard Desrochers, William Desrosiers, Drolet, Dwyer, Clyde Eaton, Joseph M. Eaton, Fields, Ruth Gage, Genest, Scott Green, Grip, Guilbert, Gureckis, Hatch, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Leclerc, Magee, Mason, Moore,

Packard, Pappas, Paquette, Routhier, Sallada, Schneiderat, Leonard Smith, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Wagner, Ware, Watson, Emma Wheeler and Wood.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fillion, Fraser, Gilbreth, Gross, Hager, Hayes, Hess, Mary Holmes, Alf Jacobson, Kidder, Merton Mann, Manus, Pantzer, Phelps, Provencal, Gerald Smith, Stio, West and Whitemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blanchette, William Boucher, Bucu, Eunice Campbell, Carpenito, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Pantelakos, Parr, Ritzo, Sanderson, Schmidtchen, Scott, Skinner, Sochalski, Sytek, Tilton, Vartanian and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Dingle, Anita Flynn, Edward Flynn, Frechette, Jean, Robert Jones, Kincaid, Kinney, Martling, Musler, Francis Robinson, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, Domini, Flint, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

Rep. Dexter offered an amendment.

Amendment

Amend the bill by replacing section 9 with the following:

9 New Section; Additional Requirement; Monitoring; Penalty. Amend RSA 384 by inserting after section 55 the following new section:
384:56 Further Requirement; Monitoring; Penalties.

I. In addition to the requirements of RSA 384:44-55, no affiliation certificate shall be granted by the board of trust company incorporation unless the applicant demonstrates that within 2 years of the affiliation at least one percent of its total assets will be invested in low or moderate income communities throughout the state in the form of small business loans. At least 50 percent of these loans shall be for housing projects targeted for low or moderate income persons, and all such loans shall not include temporary financing or the purchase of an interest in a pool of mortgage loans, such as mortgage participation certificates issued or guaranteed by the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or the Farmers Home Administration.

II. The bank commissioner may, at any time, review the activities of the out-of-state New England bank or bank holding company and any of its subsidiaries to determine whether it is in compliance with paragraph I. At the end of 2 years following the establishment or acquisition of a New Hampshire bank, the commissioner shall review the activities of the out-of-state New England bank or bank holding company to evaluate its compliance with paragraph I.

III. If the out-of-state New England bank or bank holding company fails to comply with any commitments made in connection with its application, the commissioner shall order compliance within a specified reasonable period of time. The commissioner may, at his discretion, extend this specified reasonable period of time. If within 30 days after the date specified for compliance by an order issued pursuant to this paragraph, including any extension, the commissioner believes that the bank or bank holding company has not complied with the order, the

commissioner shall hold a public hearing to determine whether the bank or bank holding company has failed to comply with the order. The findings of the hearing shall be subject to judicial review by the supreme court. If, after the hearing and final order issued upon completion of all appeals, the commissioner concludes that the bank or bank holding company has not complied with the order within the specified period of time, including any extensions, that the bank or bank holding company has not undertaken a good faith effort to comply with the order, and that the bank or bank holding company has not substantially completed its commitment pursuant to this section, the commissioner shall either order the bank or bank holding company to divest itself of control of all New Hampshire banks and bank holding companies or fine the affiliating bank up to \$1,000,000, or both.

384:57 Hearings and Documents Public. All hearings conducted and documents submitted under the provisions of this subdivision shall be open and available to the public.

19 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, revises the regional requirement for out-of-state bank holding companies applying for certificates to be affiliated with New Hampshire banks and bank holding companies.

The bill, as amended, also provides that any holder of a certificate to affiliate which, prior to the effective date of this act, qualified as a New England bank or bank holding company at the time of the granting of said certificate shall be deemed to be a New England bank or bank holding company for the purposes of RSA 384:44-55.

This bill sets out additional examination requirements, reporting requirements, and penalties for banks which are permitted to regionally affiliate. This bill also requires a bank or bank holding company permitted to regionally affiliate to invest at least one percent of its total assets in low or moderate income communities throughout the state in the form of small business loans.

This bill requires information submitted and hearings conducted on applications to regionally affiliate and in connection with the monitoring of banks and bank holding companies which regionally affiliate to be open to the public.

Rep. Dexter explained the amendment and yielded to questions.

Rep. Chretien spoke in favor of the amendment and yielded to questions.

Rep. Fraser spoke against the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 130 NAYS 221

YEAS 130

BELKNAP: Bolduc, Bowler, Dexter, Golden, Hawkins, Jensen, Maviglio and Randall.

CARROLL: Gene Chandler, Dickinson, Hounsell and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Delano, Foster, Hunt, LaMar, Morse, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Frederic Foss, Kilbride, Mayhew and Oleson.

GRAFTON: Arnesen, Bennett, Copenhaver, Driscoll, Guest, Wayne King, Howard Townsend and Ward.

HILLSBOROUGH: Bass, Beaupre, A. Leslie Burns, Chretien, Cox, Ann Derosier, Domaingue, Donovan, Ducharme, Dykstra, Joseph M. Eaton, Frank, Ruth Gage, Gagnon, Scott Green, Betty Hall, Marian Harrington, Donna Kelly, Korcoulis, Kuchinski, Lefebvre, Levesque, Long, McGlynn, McRae, Messier, Robert Murphy, Perham, Pignatelli, Reardon, Reidy, Routhier, Shriver, Leonard Smith, Stonner, Tarpley, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Beaton, Laurent Boucher, James Chandler, George E. Gordon, Douglas Hall, Burton Knight, Manus, Rehlander and Yeaton.

ROCKINGHAM: Gordon Arnold, Blanchard, Cressy, Cushing, Drake, Bert Ford, Hoar, Hynes, Robert Johnson, Joyce, McGovern, Merchant, Pantelakos, Parr, Pevear, Popov, Read, Rosencrantz, Schwaner, Simon, Splaine, Vaughn, Walker, Warburton, Weddle and Wright.

STRAFFORD: Appleby, Casey, Albert Dionne, Patricia Foss, Jean, Sandra Keans, Koromilas, Laurion, Lussier, William McCann, Parks, Pelley, Proulx, Ralph Torr, Wall and John Young.

SULLIVAN: Brodeur, Normandin and Spaulding.

NAYS 221

BELKNAP: Richard Campbell, Hardy, Malcolm Harrington, Holbrook, Pearson, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Corrigan, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Parker, Perry and Pierce.

COOS: Brungot, Harold Burns, Guay, Horton, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Blair, Chambers, Christy, Densmore, Hammond, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Burkush, Champagne, Cid, Cote, Cowenhoven, Cusson, Daigle, Gerard Desrochers, William Desrosiers, Drolet, Dube, Dwyer, Clyde Eaton, Fields, Nancy Ford, Genest, Granger, Grip, Guilbert, Gureckis, Hatch, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Leclerc, Lown, Magee, Mason, Bonnie McCann, Moore, Morrisette, O'Rourke, Packard, Pappas, Paquette, Price, Ellen-Ann Robinson, Sallada, Schneiderat, Soucy, Steiner, Stiles, Sullivan, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Wood.

MERRIMACK: Asplund, Austin, Bardsley, Dunn, Fillion, Fraser, Gilbreth, Gross, Hager, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Millard, Nichols, Pantzer, Phelps, Provencal, Walter Robinson, Gerald Smith, Stio, Tupper, Wallner, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, George

Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Ritzo, Sanderson, Schmidtchen, Scott, Seward, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Welch and Wells.

STRAFFORD: Bates, Callaghan, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Kincaid, Kinney, Martling, Musler, Francis Robinson, Spear, Swope, Ann Torr and Wilson.

SULLIVAN: Behrens, Cutting, Domini, Flint, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus and Sara Townsend, and the amendment lost.
Ordered to third reading.

CACR 24, relating to the right to counsel in criminal proceedings. Providing that the right of a defendant in a criminal proceeding to have an attorney appointed at the expense of the state if the defendant cannot afford an attorney be limited to cases where the defendant actually faces incarceration. Inexpedient to Legislate.

In the area of constitutionality, cost-effectiveness and fairness to all participants, CACR 24 leaves many questions unanswered. While something should be done in this area, development should rest with legal aid, the Attorney General's Office and the Judicial Council and then be introduced by the Committee in the next session. Vote 14-0. Rep. Gerard E. Powers for Constitutional and Statutory Revision.

Report adopted.

CACR 29, relating to meetings of the General Court. Providing that the General Court shall meet biennially. Majority: Ought to Pass.
Minority: Inexpedient to Legislate.

MAJORITY: CACR 29, if adopted by 2/3 of the voters in the general election to be held in November, would change Article 3, Part Second of the Constitution of New Hampshire so that the General Court would return to biennial sessions.

Research has been done by the Committee on Legislative Mileage Costs, number of incumbents reelected, length of special sessions, and the number of bills submitted during biennial and annual sessions. The statistics did not bear out that there was much difference in any of these except in the economic costs. Annual sessions are definitely more expensive.

However, there seemed to be many subjective factors that would lead one to feel biennial sessions are the best way for New Hampshire. To mention just a few of these: (1) the Department heads spend an inordinate amount of time on legislative matters each and every year when they could be spending this time running their departments more efficiently; (2) veteran legislators may not continue to serve if annual sessions are continued.

The General Court is now near finishing its fourth year in its attempt to make annual sessions work. It was the feeling of a majority of Constitutional and Statutory Revision Committee that now is the time to return this issue to the voters and receive their evaluation. Vote 12-4. Rep. Roger Stewart for the Majority of Constitutional and Statutory Revision.

MINORITY: The overwhelming support by the voters of New Hampshire in 1984 was a mandate to the Legislature to do its very best to make annual sessions responsive to the people. The verdict is still out on the success of our efforts. We owe it to the voters to make the necessary rules' changes and improvements in our performance before we ask the voters to vote again on this Constitutional amendment. Reps. Cynthia A. McGovern, Ellen M. Cressy, Betty B. Zall and Ellen C. Dube for the Minority of Constitutional and Statutory Revision.

Rep. Stewart spoke in favor of the Majority report and yielded to questions.

(Deputy Speaker Burns in the Chair)

Reps. Scott Green, Vaughn, Betty Hall, McGovern and Sara Townsend spoke against the Majority report.

Reps. Holden, Powers, Guay and Joseph Eaton spoke in favor of the Majority report.

Reps. Ahrens, Chambers and Alf Jacobson spoke against the Majority report and yielded to questions.

Rep. Palumbo spoke in favor of the Majority report and yielded to questions.

Rep. John Flanders moved the previous question. Sufficiently seconded. Adopted.

YEAS 218 NAYS 131
YEAS 218

BELKNAP: Bolduc, Dexter, Hawkins, Holbrook, Jensen, Pearson, Randall, Lawrence Richardson, Thurston and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Delano, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Guay, Horton, Marsh, Oleson, Purrington and Theriault.

GRAFTON: Adams, Bennett, Christy, Driscoll, Hammond, Wayne King, Lougee, McAvoy, Scanlan, Stewart, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Barbara Arnold, Beaupre, Lionel Boucher, Bourque, Boutwell, A. Leslie Burns, Champagne, Chretien, Cowenhoven, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, Domaingue, Drolet, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Gagnon, Genest, Granger, Grip, Guilbert, Gureckis, Hatch, Healy, Holden, Humphrey, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kuchinski, Leclerc, Lefebvre, Levesque, Lown, Magee, Mason, Bonnie McCann, McRae, Moore, Morrisette, Packard, Paquette, Pariseau, Perham, Routhier, Sallada, Schneiderat, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Wagner, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Asplund, Austin, James Chandler, Fillion, Fraser, George E. Gordon, Douglas Hall, Hayes, Hess, Mary Holmes, Lewis, Merton Mann, Manus, Millard, Nichols, Phelps, Provencal, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Scamman, Schmidtchen, Schwaner, Scott, Seward, Simon, Sochalski, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Lussier, Martling, Parks, Proulx, Ann Torr, Ralph Torr, Wall and Wilson.

SULLIVAN: Cutting, Krueger, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 131

BELKNAP: Bowler, Richard Campbell, Golden, Hardy, Malcolm Harrington, Maviglio, Turner and Wixson.

CARROLL: Olimpio.

CHESHIRE: Corrigan, Jesse Davis, Daniel Eaton, Foster, LaMar, Matson, William Riley and Schwartz.

COOS: Kilbride, Mayhew and Nelson.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Densmore, Guest, LaMott, Rounds, Howard Townsend and Ward.

HILLSBOROUGH: Ahern, Ahrens, Baker, Baldizar, Bass, Bowers, Buckley, Burkush, Cid, Cote, Daigle, Donovan, Dube, Dupont, Dwyer, Nancy Ford, Frank, Ruth Gage, Scott Green, Betty Hall, Marian Harrington, Chris Jacobson, Cornelius Keane, Donna Kelly, Long, McGlynn, Messier, Robert Murphy, O'Rourke, Pappas, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Shriver, Leonard Smith, Sullivan, Vanderlosk, Ware, Watson and Zajdel.

MERRIMACK: Bardsley, Beaton, Laurent Boucher, Dunn, Gilbreth, Gross, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lockwood, Pantzer, Rehlander, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Flanagan, Elizabeth Greene, Hoar, Joyce, Lovejoy, Mace, McGovern, Merchant, Pantelakos, Pevear, Popov, Read, Rosencrantz, Sanderson, Skinner, Splaine, Vaughn, Weddle and Wells.

STRAFFORD: Callaghan, Casey, Chamberlin, Sandra Keans, Koromilas, Laurion, Pelley, Francis Robinson, Spear, Swope and John Young.

SULLIVAN: Behrens, Brodeur, Domini, Flint, Lindblade, McKee, Normandin and Sara Townsend, and the report lost lacking the necessary 3/5 vote.

Rep. Scamman moved that CACR 29 be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS 197 NAYS 150

YEAS 197

BELKNAP: Bolduc, Dexter, Hardy, Hawkins, Holbrook, Jensen, Pearson, Randall, Lawrence Richardson, Thurston and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Clark, Corrigan, Daschbach, Delano, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Frederic Foss, Guay, Horton, Marsh, Mayhew, Oleson and Purrington.

GRAFTON: Adams, Bennett, Christy, Driscoll, Hammond, Lougee, McAvoy, Rounds, Stewart, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Barbara Arnold, Boutwell, A. Leslie Burns, Chretien, Cid, Cox, Cusson, Ann Derosier, Gerard Desrochers, William

Desrosiers, Domaingue, Drolet, Dube, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Genest, Granger, Grip, Gureckis, Hatch, Healy, Holden, Humphrey, Keefe, Robert Kelley, Alice Knight, Kuchinski, Leclerc, Lefebvre, Levesque, Magee, Mason, Bonnie McCann, Moore, Morrisette, Pariseau, Sallada, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Wagner, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Fillion, Fraser, George E. Gordon, Hayes, Mary Holmes, Kidder, Merton Mann, Manus, Millard, Nichols, Phelps, Provencal, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Eunice Campbell, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Magoon, Malcolm, McKinney, Newell, Palumbo, Parr, Scamman, Schmidtchen, Schwaner, Scott, Seward, Simon, Sochalski, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Welch and Wright.

STRAFFORD: Bates, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Lussier, Martling, Parks, Pelley, Proulx, Swope, Ann Torr, Ralph Torr and John Young.

SULLIVAN: Cutting, Krueger, McKee, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 150

BELKNAP: Bowler, Richard Campbell, Golden, Malcolm Harrington, Maviglio, Turner and Wixson.

CARROLL: Robert Holmes and Olimpio.

CHESHIRE: Cole, Jesse Davis, Daniel Eaton, Foster, LaMar, Matson, William Riley and Schwartz.

COOS: Kilbride, Nelson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Densmore, Guest, Wayne King, LaMott, Scanlan, Howard Townsend and Ward.

HILLSBOROUGH: Ahern, Ahrens, Baker, Baldizar, Bass, Beaupre, Lionel Boucher, Bourque, Bowers, Buckley, Burkush, Champagne, Cote, Daigle, Donovan, Dupont, Dwyer, Nancy Ford, Frank, Ruth Gage, Gagnon, Scott Green, Guilbert, Betty Hall, Marian Harrington, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Long, Lown, McGlynn, McRae, Messier, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Schneiderat, Shriver, Leonard Smith, Sullivan, Vanderlosk, Ware and Zajdel.

MERRIMACK: Bardsley, Beaton, Laurent Boucher, Dunn, Gilbreth, Gross, Douglas Hall, Hess, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Pantzer, Rehlander, Tupper, Wallner and Yeaton.

ROCKINGHAM: Gordon Arnold, Blanchard, Blanchette, Buco, Butler, Marilyn Campbell, Carpenito, Cressy, Cushing, Flanagan, Elizabeth Greene, Hoar, Joyce, Klemarczyk, Lovejoy, Mace, William F. McCain, McGovern, Merchant, Pantelakos, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Skinner, Splaine, Vaughn, Weddle and Wells.

STRAFFORD: Appleby, Callaghan, Casey, Chamberlin, Sandra Keans, Laurion, Francis Robinson, Spear, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Domini, Flint, Lindblade, Normandin and Sara Townsend, and the motion failed lacking the necessary three-fifths vote.

Rep. Sara Townsend moved that CACR 29 be reported, Inexpedient to Legislate.

Rep. Palumbo spoke in favor of the motion.

Rep. Scamman yielded to questions.

A division was requested.

226 members having voted in the affirmative and 116 in the negative, the motion, Inexpedient to Legislate was adopted.

(Speaker in the Chair)

CONFEREES CHANGE

HB 819 - Rep. William Boucher off; Rep. Felch on

COMMITTEE REPORTS (cont.)

SB 243-FN, reinstating the passenger tramway safety board. Ought to Pass with Amendment.

This bill reinstates the Passenger Tramway Board and makes it an administratively-attached agency to the Department of Safety, Division of Safety Services. Vote 12-1. Rep. Ann M. Torr for Executive Departments and Administration.

Amendment

Amend RSA 225-A:19 as inserted by section 10 of the bill by replacing it with the following:

225-A:19 Orders. If, after investigation, the commissioner of safety *or the board* finds that a violation of any of the rules exists, or that there is a condition in passenger tramway construction, operation or maintenance endangering the safety of the public, *either the commissioner of safety or the board* shall forthwith issue a written order setting forth his *or its* findings, the corrective action to be taken, and fixing a reasonable time for compliance therewith. Such order shall be served upon the operator involved by registered mail, and shall become final, unless the operator shall apply to the [commissioner of safety] *board* for a hearing in the manner hereinafter provided.

Amend RSA 225-A:19-a as inserted by section 11 of the bill by replacing it with the following:

225-A:19-a Operation Forbidden. If in any such case the commissioner of safety *or the board* is of the opinion that the public safety would be endangered by the use of the tramway for the transportation of passengers prior to the taking of some or all of such corrective action, he *or it* shall so state in said order, and shall require in said order that the tramway shall not be so used until specified corrective action shall have been taken. From and after receipt of [said] *the* order by the operator said tramway shall not be used for the transportation of passengers without the approval of the commissioner of safety *or the board*. Application for a hearing before the [commissioner of safety] *board* shall not have the effect of suspending said order. Operation of the tramway following receipt of such order may be enjoined by the superior court.

Amend RSA 225-A:20 as inserted by section 12 of the bill by replacing it with the following:

225-A:20 Hearing. Any such operator, who is aggrieved by any such order, may, within 10 days after the service of such order upon him as hereinbefore provided, apply to the [commissioner of safety] *board* for a review of such order. It shall be the duty of the [commissioner of safety] *board* to hear the same at the earliest convenient day. At such hearing the operator shall have the right to be heard personally or by counsel, to cross-examine witnesses appearing against him, and to produce evidence in his own behalf. After such hearing, the [commissioner of safety] *board* shall report [his] *its* findings in writing to the *commissioner of safety* and make such order as the facts may require.

Amendment adopted.

Ordered to third reading.

SB 277, prohibiting the hunting of mourning doves in New Hampshire. Inexpedient to Legislate.

Senate Bill 277 would prohibit the hunting or possession of mourning doves in the State of New Hampshire. Since HB 816 passed earlier this legislative session it accomplished this same goal making SB 277 completely redundant. Vote 14-1. Rep. Charles C. Vogler for Fish and Game.

Resolution adopted.

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct. Ought to Pass with Amendment.

The Committee agreed unanimously that judges should be treated as most other employees in government and in private business by recognition of the fact that the experience gained with continued service makes them increasingly effective in their work. However, the service increment provided in the bill stops after eight years of such service. Vote 13-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a judicial service increment.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill provides for a \$1,500 salary increment for any full-time judge at the end of his second, fourth, sixth, and eighth years of service as a full-time justice.

Amendment adopted.

Rep. Champagne abstained from voting under Rule 16.

Referred to Appropriations.

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The Supreme Court is to be commended for establishing a Code of Judicial Conduct and appointing a Committee on Judicial Conduct to assure that the code is adhered to, in accordance with the constitutional authority of each branch of state government to govern the qualifications of its members and to discipline those members if discipline is required.

Extensive testimony presented to the Committee revealed that the Code of Judicial Conduct is even more stringent than any ethical standard yet established for either the legislative or executive branch of the state government.

Nevertheless, the Judiciary Committee has concluded that a legislative statute calling for public access to information on disciplinary action taken under the Supreme Court rules would be proper and in keeping with the principle of the people's right to know stated in Article 8 of the New Hampshire Constitution's Bill of Rights.

This bill, as amended, is designed to assure that such information will be provided. Vote 11-6. Rep. Francis E. Robinson for the Majority of Judiciary.

MINORITY: The bill, as amended, essentially ignores the issue at hand, and merely codifies a portion of an existing rule (Number 39, as amended by the Court on February 22, 1988). That rule indeed allows for public disclosure, but only when the Court feels a written opinion is in order, and again only if the Court reviews a case of judicial misconduct of such a serious nature "so as to warrant formal disciplinary action, censure or suspension." Oral reprimands are not made public. Testimony indicates, however, that in practice the high court has not disciplined a single judge, and it is not clear whether it has reviewed even a single complaint since this rule has been in effect (for about 10 years). All complaints against judges are handled by the Committee on Judicial Conduct, which meets secretly, and which is required to make no public disclosure on the number of cases it handles, or on individual cases, no matter how serious or how frivolous (even the person who files a complaint is not informed as to what specific action, if any, the Committee took against a judge). It is the complaints before this Committee which the original bill addresses. This amendment excises all references to the Committee on Judicial Conduct and its work. Therefore, the minority invites the membership to continue its support of SB 307, as amended, which passed the House on March 29, and which specifically focuses on the Committee's handling of "justified" complaints where a "violation of the Code on Judicial Conduct" has taken place. Rep. Dean Dexter for the Minority of Judiciary.

MINORITY STATEMENT: The undersigned members of the House Judiciary Committee believe that the Committee on Judicial Conduct, which has been established by the judicial branch of government to deal with the judicial branch's own Code of Conduct, has been and is now doing their job well. We heard no testimony that would indicate anything other than that. We feel that it is improper for one branch of government to tell another coequal branch of government how to apply its own code of conduct, particularly when both of the other branches of government have no code of conduct of their own. The public has the right to all information and records dealing with the business of the people and any misconduct of a judge if it is of a criminal nature or would affect the outcome of a case. Our courtroom proceedings are now an open process. Reps. Beverly A. Hollingworth, W. Kent Martling, Alec J. Koromilas, Daniel J. Healy and David E. Cote for the Minority of Judiciary.

Amendment

Amend RSA 490:30 as inserted by section 1 of the bill by replacing it with the following:

490:30 Committee on Judicial Conduct.

I. When the committee on judicial conduct, established by rule of the supreme court, determines that a judge has violated the Code of Judicial Conduct to such a degree and in such manner as to warrant imposition by the supreme court of formal disciplinary action, censure, or suspension and refers the matter to the supreme court for such action, and provided that the court finds that such misconduct has occurred, the findings, rulings and decision shall be made a matter of public record. The complainant shall be provided with copies, the findings, rulings, and decision at such time.

II. Whenever the committee on judicial conduct has not disposed of a complaint within 90 days of the filing of the complaint, it shall advise the complainant at such time of the status of the complaint. If the proceeding is prolonged beyond the 90-day period, the committee shall give the complainant progress reports from time to time.

AMENDED ANALYSIS

This bill, as amended, requires that the findings, rulings, and decision in certain disciplinary actions against judges shall be a matter of public record. This bill also requires the committee on judicial conduct to periodically advise the complainant of the status of complaints not disposed of within 90 days of filing.

Rep. Dexter moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. Alf Jacobson spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 53 NAYS 278

YEAS 278

BELKNAP: Bolduc, Dexter, Hawkins and Jensen.

CARROLL: Schofield.

CHESHIRE: Cole, Delano and Morse.

COOS: None.

GRAFTON: Bennett, Blair, Christy, Copenhaver and Howard Townsend.

HILLSBOROUGH: Ahern, A. Leslie Burns, Gerard Desrochers, Donovan, Dupont, Genest, Hatch, Humphrey, Pignatelli, Sullivan, Ware, Kenneth Wheeler and Zajdel.

MERRIMACK: Austin, Dunn, Gilbreth, George E. Gordon, Pantzer and Whitemore.

ROCKINGHAM: William Boucher, Cooke, Cressy, Cushing, Bert Ford, Lovejoy, Mace, William F. McCain, Merchant, Pevear, Splaine, Walker and Wells.

STRAFFORD: Jean, Martling, Pelley, Ann Torr and Ralph Torr.

SULLIVAN: Brodeur, Domini and McKee.

NAYS 278

BELKNAP: Bowler, Richard Campbell, Golden, Hardy, Malcolm Harrington, Holbrook, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston, Turner, Vogler and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Clark, Corrigan, Daschbach, Jesse Davis, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, Matson, Parker, Perry, Pierce, William Riley, Sawyer and Schwartz.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Chambers, Densmore, Guest, Hammond, Wayne King, LaMott, Lougee, McAvoy, Rounds, Scanlan, Stewart, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cox, Cusson, Daigle, Ann Derosier, William Desrosiers, Domaingue, Drolet, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Gagnon, Granger, Scott Green, Grip, Guilbert, Gureckis, Betty Hall, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kuchinski, Lefebvre, Levesque, Long, Lown, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Wagner, Emma Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Laurent Boucher, Fillion, Fraser, Gross, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Manus, Millard, Nichols, Phelps, Provencal, Rehlander, Gerald Smith, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Blanchard, Blanchette, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Magoon, Malcolm, McGovern, McKinney, Newell, Palumbo, Pantelakos, Parr, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Scott, Seward, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Vaughn, Warburton, Weddle, Welch and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Lussier, Parks, Proulx, Francis Robinson, Spear, Swope, Wall, Wilson and John Young.

SULLIVAN: Behrens, Cutting, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee amendment.
Amendment adopted.

Rep. Alf Jacobson offered an amendment.

Amendment

Amend RSA 490:30, I as inserted by section 1 of the bill by replacing it with the following:

I. When the committee on judicial conduct, established by rule of the supreme court, determines that a judge has violated the Code of Judicial Conduct to such a degree and in such manner as to warrant imposition by the supreme court of formal disciplinary action, censure, or suspension and refers the matter to the supreme court for such action, and provided that the court finds that such misconduct has occurred, the findings, rulings, decision and transcript shall be made a matter of public record. The complainant shall be provided with copies of the findings, rulings, and decision at such time.

AMENDED ANALYSIS

This bill, as amended, requires that the findings, rulings, decision, and transcript in certain disciplinary actions against judges shall be a matter of public record. This bill also requires the committee on judicial conduct to periodically advise the complainant of the status of complaints not disposed of within 90 days of filing.

Rep. Alf Jacobson explained the amendment.

Amendment adopted.

Ordered to third reading.

SB 278, relative to aid to assisted persons. Ought to Pass with Amendment.

Testimony on SB 278 was favorable. It clears up a long-standing problem that deals with liens against an assisted person. Also, included, in the amendment (1) legalizes procedural defects on the part of 17 towns in the adoption of the provisions of RSA 80:58-86; (2) legalizes the vote of the Town of Salisbury annual meeting with respect to the town's vote to repair the Pingree Bridge. Vote 15-2. Rep. Barbara J. Baldizar for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to aid to assisted persons, and the legalization of certain town meetings and proceedings.

Amend the bill by replacing all after section 5 with the following:

6 Tax Lien Procedure Vote Ratified. All actions, votes and proceedings of the following towns at their town meetings held on March 8, 1988, regarding the adoption of the provisions of RSA 80:58-86, are hereby legalized, ratified, and confirmed:

Andover
Bartlett
Bradford
Canaan
Eaton
Goffstown
Haverill

Jaffrey
Lancaster
Londonderry
Meredith
Newfields
New London
Northwood
Plaistow
Rumney
Whitefield

7 Town of Salisbury. All actions, votes and proceedings of the Salisbury annual town meeting held on March 8, 1988, are hereby legalized, ratified, and confirmed.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill corrects 2 statutory references in the sections dealing with aid to assisted persons.

The bill also removes language limiting the effectiveness of liens to the lifetime of the person being supported under this chapter, but adds language prohibiting enforcement of the lien against an assisted person's surviving spouse or dependent children.

The bill amends the current statute providing for burial expenses for assisted persons who are veterans, to provide that the town in which the veteran lived before he died shall pay his burial expenses, that funds received from the Veterans' Administration toward burial expenses shall be retained by the municipality, and that the municipality shall request that a suitable monument be provided by the Veterans' Administration.

The bill also adds dates to the statute defining the Korean Conflict and the Vietnam Conflict.

The bill repeals the sections in the same chapter which refer to a separate procedure for veterans' assistance.

The bill, as amended, ratifies the adoption of the new tax lien procedures by the listed towns at their annual town meetings. It also ratifies the actions of the town of Salisbury at its town meeting.

Amendment adopted.
Ordered to third reading.

SB 292-FN, establishing a study committee to examine the future air travel needs of New Hampshire and relative to the management of the Nashua Airport Authority. Inexpedient to Legislate.

The Committee voted (17-1) Inexpedient to Legislate on March 28, 1988, and voted to reconsider the vote, at the request of interested parties, on March 29, 1988. After reconsideration, the Committee again voted Inexpedient to Legislate by a vote of 14-3. The bill, as drafted, was unclear as was obvious by the numerous amendments proposed to the Committee. Rep. Warren L. Swope for Public Works.

Resolution adopted.

SB 300, establishing a committee to study all aspects of laws, rules and practices relative to materials used in the construction of highways. Refer for Interim Study.

Senate Bill 300 should be referred to Interim Study for consideration and action by the Committee on Environment and Agriculture due to the fact that the content and nature of the subject of the bill better suits the expertise and experience of that Committee. Vote 16-1. Rep. Eugene Ritzo for Public Works.

Rep. Pearson moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, and spoke to his motion.

Motion adopted.

Ordered to third reading.

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements. Ought to Pass.

The Banking Commissioner is given authority to approve a branch bank acquired in a consolidation; previously Board of Trust concurrence was needed. The bill also increases application fees, license fees and charges for examination. Agreement between parties affected, the Attorney General, the State Treasurer and the Banking Commissioner make this bill non-controversial. Vote 18-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Referred to Appropriations.

SUSPENSION OF RULES

Rep. Hager moved that House Rule 43(a) Notice of the hearing shall be advertised in the House Calendar no less than four days prior to a hearing, be suspended on the following bills:

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements.

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

SB 279, relative to motor vehicle emissions testing. Ought to Pass with Amendment.

The present method of regulating emissions control inspection is to require a certificate from the emissions control station to be presented to the town clerk of the twelve communities concerned (namely Nashua, Hollis, Merrimack, Litchfield, Hudson, Milford, Amherst, Pelham, Londonderry, Derry, Windham and Salem) before the annual registration of the automobile can be acquired. This bill would change this procedure.

The safety inspection sticker could not be issued for a vehicle which is registered to a person whose primary residence is one of the above-named city or towns unless the owner presents a valid emissions waiver or the vehicle meets the emissions inspection requirements established by the director. Vote 12-0. Rep. Roger Stewart for Transportation.

Amendment

Amend 1985, 403:9 as inserted by section 5 of the bill by replacing it with the following:

403:9 Emissions Sticker Fee. A fee for emissions inspection stickers shall be set by the director by rule pursuant to RSA 541-A for each sticker provided by the division to a safety inspection station. All unused or spoiled stickers returned by the safety inspection station or referee shall be refundable at the same rate.

Amendment adopted.

Rep. Sytek offered an amendment.

Amendment

Amend the bill by replacing all after section 5 with the following:

6 Motor Vehicle Emissions Inspection; Termination of Program. The motor vehicle emissions inspection program established under 1985, 403:1 shall be terminated on July 1, 1990, unless the legislature reauthorizes the program prior to that date.

7 Repeal. The following provisions are repealed:

I. 1985, 403:3, III, relative to definition of emissions certificate.

II. 1985, 403:6 relative to temporary registrations.

8 Effective Date.

I. Sections 3, 4 and 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect October 1, 1988.

AMENDED ANALYSIS

The bill, as amended, changes the effective date of the motor vehicle emissions inspection program to October 1, 1988.

The bill also changes the penalty for violating the program requirements from a misdemeanor to a violation.

The bill also replaces emissions certificates with stickers to be placed on motor vehicles.

The bill terminates the motor vehicle emissions inspection program on July 1, 1990, unless the legislature reauthorizes the program.

Rep. Sytek explained the amendment.

Rep. Irvin Gordon spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1190, relative to the Belknap county attorney. (Amendment printed SJ 3/24)

Rep. Ezra Mann moved that the House concur.

Adopted.

RECALLED FROM THE GOVERNOR

REQUESTS CONCURRENCE WITH AMENDMENT

HB 330-FN-A, relative to an exception to the real estate transfer tax. (Amendment printed SJ 4/5)

Reps. Palumbo and Chambers moved that the House concur.

Adopted.

ENROLLED BILL AMENDMENT

HB 1091-FN, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and making an appropriation therefor.

Amendment

Amend the bill by replacing lines 9-10 on page 2 with the following:

inserting after subparagraph (x) the following new subparagraph:

(y) Money received under RSA 400-A:29-a, II, which shall be

This amendment is necessary to renumber the RSA provision inserted by this bill to avoid duplicating the numbering of the RSA provision already inserted earlier this session by HB 968, which became chapter 17.

Adopted.

The Sullivan County Delegation, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 77

memorializing former Representative Carmine F. D'Amante of Claremont.

WHEREAS, it is with great sadness and a deep sense of loss that we acknowledge the death of State Representative Carmine F. D'Amante, known affectionately to all as Frank, and

WHEREAS, at the time of his death, Frank D'Amante was serving his sixteenth consecutive term in the New Hampshire House, having been, during his tenure, an esteemed and devoted member of the Standing Committees on Constitutional Revision, Liquor Laws, Public Works, Regulated Revenues, Transportation, and Ways and Means, and

WHEREAS, as a legislator, Frank D'Amante was known as a servant of the people who always had time to listen intently to his constituents, always extending a helping hand when it was needed, and

WHEREAS, as a man, Frank D'Amante was known for his large capacities of compassion and forgiveness; a happy man who worked at building bridges of love in the community, and

WHEREAS, having been born in Rutland, Vermont, Frank D'Amante lived most of his life in Claremont, having graduated from Stevens High School in 1935, and

WHEREAS, throughout his lifetime, Frank D'Amante freely gave of his time, energy, and knowledge to the community, having served twenty years as a member of the City Council and four years as Assistant Mayor, and

WHEREAS, Frank D'Amante, for forty-one years, was a loyal and faithful member of American Legion Post 29, as well as a member of the Veterans of Foreign Wars, the Elks, the Moose and the Kiwanis Club, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Frank D'Amante be granted highest praise and publicly lauded for his service as a State legislator and as a leader in the community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

ENROLLED BILLS REPORT

HB 467, establishing a committee to study the allocation of funds and costs in the Tilton and Northfield union school district.

HB 564, authorizing any city or town to issue revenue bonds.

HB 776, relative to the examination of jurors.

HB 795, relative to motor vehicle liability policies.

HB 831, relative to a one-time reimbursement for oil spill damage and making an appropriation therefor and relative to the administration of the oil pollution control fund.

HB 923, relative to dredging on great ponds.

HB 993, relative to the taking of beaver.

HB 1046, relative to the distribution of tax on pari-mutuel pools.

HB 1090, relative to drugging animals in livestock events and relative to audits of agriculture fairs.

HB 1123, relative to senior justices and to the sentence review division.

HB 1201, authorizing school districts to teach New Hampshire's cultural heritage and ethnic history in school.

SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood.

SB 259, relative to child custody.

SB 284, relative to exemption from tolls on the New Hampshire turnpike system.

SB 286, relative to exchanging police information, on a reciprocal basis, with other states.

SB 290, relative to expenditures of funds from the highway surplus account.

SB 299, relative to deeds.

SB 338, relative to a statewide plan for public and private transportation.

Rep. Natalie S. Flanagan
Sen. John P.H. Chandler
For the Committee.

RECONSIDERATION

Rep. Sara Townsend moved that the House reconsider its action whereby it killed CACR 29, relating to meetings of the General Court. Providing that the General Court shall meet biennially.

Motion lost.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 12 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 276-FN, establishing a panel to address the effectiveness of the delivery of services to children and their families.

SB 291, relative to refunds of insurance premiums.

SB 328-FN, relative to sexual misconduct by psychotherapists.

SB 348, relative to licensing of health care facilities.

SB 271-FN, establishing a study committee to examine the feasibility of relocating state agencies in Concord.

SB 279, relative to motor vehicle emissions testing.

SB 306-FN, relative to low-dose mammography screening.

SB 344-FN, relative to the consignment of artworks.

SB 351, relative to regional banking and mutual savings banks.

SB 243-FN, reinstating the passenger tramway safety board.

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct.

SB 278, relative to aid to assisted persons.

SB 300, establishing a committee to study all aspects of laws, rules and practices relative to materials used in the construction of highways.

Rep. Harold Burns moved that the House stand in recess for the purposed of Enrolling Reports and appointment of Committee of Conference Conferees only.

Adopted.

The House recessed at 5:50 p.m.

RECESS

(Speaker in the Chair)

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 12, recodifying the workers' compensation law. (Amendment printed SJ 3/15)

Rep. Avis Nichols moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Warburton, Nichols, Turner and Blanchette.

HB 401-FN, relative to video tape depositions. (Amendment printed SJ 3/29)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. C. William Johnson, Lozeau, Dexter and Cote.

HB 734, relative to posting of bond by administrators of estates. (Amendment printed SJ 3/29)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Francis Robinson, Thomas Gage, Stonner and Arnesen.

HB 842, establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places. (Amendment printed SJ 3/29)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Harold Burns, Adams, Golden and Guay.

HB 858-FN, relative to fetal alcohol syndrome. (Amendment printed SJ 3/18)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Bates, Butler and Foster.

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating. (Amendment printed SJ 3/29)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Haynes, Stewart, Thurston and Donovan.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing. (Amendment printed SJ 3/24)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Adams, Soucy and Ruth Gage.

HB 1067-FN, relative to the penalty for an aggravated DWI offense. (Amendment printed SJ 4/5)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alf Jacobson, C. William Johnson, Lozeau and Cote.

HB 1093-FN, relative to reporting requirements of corporations having securities registered in this state. (Amendment printed SJ 3/24)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Pantzer, Lindblade and Provencal.

HB 1144-FN, relative to civil penalties for violations by public utilities. (Amendment printed SJ 3/10)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Christy, Pantzer and Schwartz.

HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer. (Amendment printed SJ 3/22)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gross, Weymouth, Martling and Arnesen.

HB 1154, permitting the waterville estates village district to exceed its debt limitation. (Amendment printed SJ 3/29)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Perry, Clark and Ruth Gage.

NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 302-FN, relative to fireworks.

The President appointed Sens. White, Disnard and Freese.

Rep. Benton moved that the House accede.

Adopted.

The Speaker appointed Reps. Benton, Welch, Scott Green and Routhier.

ENROLLED BILLS REPORT

HB 627, to provide a loss carryforward under the business profits tax and relative to partnership and proprietorship deductions for compensation.

Rep. Natalie S. Flanagan

Sen. John P.H. Chandler

For the Committee.

RECESS

(Rep. Hager in the Chair)

SENATE MESSAGES
NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 279, relative to motor vehicle emissions testing.

The President appointed Sens. Preston, Torr and Hounsell.

Rep. Irvin Gordon moved that the House accede.

Adopted.

The Speaker appointed Reps. Irvin Gordon, Elizabeth Greene, Sytek and Donovan.

SB 306, relative to low dose mammography screening.

The President appointed Sens. Krasker, Podles and Bond.

Rep. Fraser moved that the House accede.

Adopted.

The Speaker appointed Reps. Fraser, Packard, Copenhagen and Sanderson.

SB 310-FN-A, relative to the purchase and distribution of breath analyzer machines and making an appropriation therefor.

The President appointed Sens. Blaisdell, Dupont and Johnson.

Rep. Benton moved that the House accede.

Adopted.

The Speaker appointed Reps. Musler, Sytek, Howard Townsend and Morrisette.

SB 317-FN, relative to master plans and their housing sections.

The President appointed Sens. Charbonneau, Heath and Pressly.

Rep. Ezra Mann moved that the House accede.

Adopted.

The Speaker appointed Reps. Grodin, Golden, McIntire and Dykstra.

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

The President appointed Sens. Blaisdell, Dupont and Torr.

Rep. Elizabeth Greene moved that the House accede.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Millard, LaMott and Matson.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 551-FN, establishing a study committee relative to computer-based public records. (Amendments printed SJ 4/5)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, William McCain, Kenneth MacDonald and Wayne King.

HB 818, relative to the taking of trout. (Amendment printed SJ 4/5)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Albert Dionne, William Boucher, Felch and Scanlan.

HB 820, relative to the hunter education program and bow and arrow licenses. (Amendment printed SJ 4/5)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan, Albert Dionne, William Boucher and Felch.

HB 832, establishing a 10-year bridge construction and reconstruction plan. (Amendment printed SJ 4/7)

Rep. Pearson moved moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pearson, LaMott, Palumbo and Kincaid.

HB 978, legalizing certain town meetings and zoning board of adjustment proceedings. (Amendment printed SJ 5/7)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Golden, Barnes, Roger King and Normandin.

HB 980-FN, relative to penalties for sewage treatment violations. (Amendment printed SJ 4/7)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Conroy, John Young, Spear and William McCann.

HB 1080-FN-A, relative to nongame species and making a continuing appropriation therefor. (Amendments printed SJ 3/17 and 3/31)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perham, Albert Dionne, William Boucher and Schwartz.

HB 1109-A, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor. (Amendment printed SJ 4/7)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. LaMott, Miller, Laurent Boucher and Schwartz.

HB 1150-FN, permitting the attorney general to hire part-time attorneys general. (Amendment printed SJ 4/5)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. William McCain, Ann Torr, Sytek and Lachance.

HB 1167-FN, relative to elderly property tax credits. (Amendment printed SJ 4/7)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, West, Morse and Ruth Gage.

RECESS

(Speaker in the Chair)

SENATE MESSAGES NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 261, relative to setting seasons and bag limits on small game birds and animals.

The Speaker appointed Sens. Hounsell, St. Jean and McLane.

Rep. Rounds moved that the House accede.

Adopted.

The Speaker appointed Reps. Felch, William Boucher, Scanlan and Albert Dionne.

SB 271, establishing a study committee to examine the feasibility of relocating state agencies in Concord.

The President appointed Sens. Torr, Nelson and White.

Rep. Pearson moved that the House accede.

Adopted.

The Speaker appointed Reps. Pearson, Hager, Marsh and Levesque.

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Ezra Mann moved that the House adjourn.

Adopted.

HOUSE JOURNAL 18

Tuesday, 12Apr88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by guest Chaplain, Rep. Alf E. Jacobson.

O Thou who are the Father of us all, we humbly stand before Thee to acknowledge our weaknesses and request an infilling of Thy strength, so that we may better serve Thee and the people with whom we have this charge to serve. Give us the vision to see beyond ourselves, so that we may provide well for the needs of the general community. Help us to lay aside pettiness and narrowness of purpose for the larger view. Give us a full measure of courage to combat that which is evil and low and support those measures which enhance the lives of our citizens. In all instances, help us to see that the public purpose prevails over private interest. To Thy Will O God, we commit ourselves. Amen.

Rep. Horton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Frink, McIntire, McManus, Dupont, McKee, Zajdel and Korcoulis, the day, illness.

Reps. Hatch, Donna Kelly, Lemire, Prestipino, Michael Jones, Callaghan, Pantzer, Lozeau, Marilyn Campbell, Bass, Pantelakos, Hess and Wagner, the day, important business.

Reps. Gosselin, Joseph MacDonald, Blanchard and Bernard, illness in the family.

INTRODUCTION OF GUESTS

Chelsea Dodds, granddaughter of Rep. Bean; LeRoy Orme, guest of Rep. Malcolm; Ralph Valentine and Sheila Barron Casey, guests of Rep. Cooke; 4th grade students and their teacher, Mrs. Dorin, from Merrimack, guests of the Merrimack Delegation; Scott, Katie and Kelly Domaingue, children of Rep. Domaingue.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the rules be so far suspended as to permit introduction, to dispense with hearings, committee reports, the required notice in the calendar after the deadlines and to consider, adopt, and order to third reading at the present time, the following resolution:

HCR 15, urging Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees. (Rep. Scamman of Rockingham Dist. 19; Sen. Bartlett of Dist. 19 - To State-Federal Relations)

Adopted by the necessary two-thirds.

Question now being shall HCR 15, urging Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees, be adopted.

Adopted.

Reps. Palumbo and Chambers moved that HCR 15, urging Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees, be ordered to third reading and passed at the present time.

Adopted.

Third reading and final passage

HCR 15, urging Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees.

INTRODUCTION OF GUESTS

Dave Nichols, Coach, John Freiermuth and Pat Casey, Co-Captains on the Varsity Basketball Team of Oyster River High School.

Reps. Chamberlin, Dingle, Martling, Francis E. Robinson, Wall, and Wilson offered the following:

HOUSE RESOLUTION NO. 78

commending the boys' varsity basketball team
of Oyster River High School.

WHEREAS, on March 5, 1988, the boys' varsity basketball team of Oyster River High School defeated the tournament's number-one seed, Lebanon High School, 65-51, to win the Class I Championship, and

WHEREAS, in winning the State title by an impressive margin of fourteen points, Oyster River High School defeated a tough opponent that previously had been undefeated in twenty-one consecutive games, and

WHEREAS, the victory marked the first time since 1975 that an Oyster River High School basketball team had been proclaimed State Class I Champion, and

WHEREAS, the victory boosted the Oyster River High School overall record to an impressive twenty-one wins against only three losses, and

WHEREAS, in order to gain the prestigious Class I title, Oyster River High School had to defeat number-two seeded Merrimack Valley High School and Con-Val High School, and

WHEREAS, the 1988 team of champions was capably guided by Head Coach David Nichols and Assistant Coach Donald Maynard, and led by Co-Captains Patrick Casey and John Freiermuth, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity basketball team of Oyster River High School be publicly recognized and applauded for winning the 1988 Class I Championship, and be it further

RESOLVED, that the players and coaches receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Oyster River High School.

Unanimously adopted.

SENATE MESSAGES
CONCURRENCE

HB 1048-FN, relative to health care benefits for retired employees of political subdivisions.

HB 1152-FN, changing the name of the Laconia state school and training center.

HB 310-A, relative to a second bridge across the Nashua river in the city of Nashua and making an appropriation therefor.

HB 313-A, relative to the widening, realignment and improvement of the route 3-A and Pinecrest intersection in Litchfield.

HB 894, relative to consideration of water companies as public utilities.

HB 816, prohibiting the hunting of mourning doves in New Hampshire.

HB 739, relative to appeals from the denial of building permits in municipalities without zoning ordinances.

HB 1161, relative to health insurance for members of the general court.

CONCURRENCE WITH AMENDMENTS

SB 267-FN, relative to child passenger restraints in motor vehicles.

SB 283, relative to protective services for adults.

SB 342, amending the certificate of need law.

SB 291, relative to refunds of insurance premiums.

SB 348, relative to licensing of health care facilities.

SB 351, relative to regional banking.

SB 276-FN, relative to the delivery of services to children and their families, the division of children and youth services, and making an appropriation therefor.

SB 243-FN, reinstating the passenger tramway safety board.

NONCONCURRENCE

HB 965-FN, establishing a study committee to examine the issue of parenting skills training.

HB 834, relative to prima facie evidence.

HB 1001-FN, relative to civil suits against municipal officials.

HB 822, relative to prescription refills.

HB 744, relative to contracts for the retail installment sales of motor vehicles.

HB 797, relative to regulating the sanitary conditions of restaurants.

HB 1022-FN, relative to investment of public funds.

HB 1104-FN-A, relative to sewage treatment funds and making an appropriation therefor.

HB 1121-FN-A, appropriating funds for construction of the North Swanzey sewer interceptor.

HB 878-FN, establishing a committee to study the benefits of policemen and firemen.

HB 1185-FN-A, establishing a program of worker safety and health education within the department of labor.

HB 871, relative to damages for wrongful death.

HB 929, to require health clubs to have one staff member trained in cardiopulmonary resuscitation techniques on duty during all operating hours.

(Speaker in the Chair)

REQUESTS CONCURRENCE

SB 356-FN, relative to involuntary admissions under limited circumstances for the developmentally impaired.

Having been approved by the Joint Rules Committee, Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bill numbered 356, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL
First, second reading and referral

SB 356-FN, relative to involuntary admissions under limited circumstances for the developmentally impaired. (Judiciary)

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 43(a) Notice of the hearing shall be advertised in the House Calendar no less than four days prior to a hearing on the following bill:

SB 356-FN, relative to involuntary admissions under limited circumstances for the developmentally impaired.

Adopted by the necessary two-thirds.

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 848, relative to burials on private property. (Report printed SJ 4/7)

COMMITTEE OF CONFERENCE REPORT ON HB 848

HB 848, relative to burials on private property.

Report adopted.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 737, relative to appointing alternates for school board members on municipal budget committees. (Amendment printed SJ 3/29)

Rep. Tufts moved that the House concur.
Adopted.

HB 746, relative to legalizing the Winchester town meeting.
(Amendment printed SJ 4/7)

Rep. Ezra Mann moved that the House concur.
Adopted.

HB 784, relative to disclosure of securities takeovers. (Amendment printed SJ 3/31)

Rep. Fraser moved moved that the House concur.
Adopted.

HB 833, relative to the defense and indemnification of housing finance board officials and employees. (Amendment printed SJ 4/5)

Rep. Alf Jacobson moved that the House concur.
Adopted.

HB 900, extending the reporting dates for the study committee to examine the cooperative extension service and the fire law study committee. (Amendment printed SJ 4/5)

Rep. Robert Kelley moved that the House concur.
Adopted.

HB 902, relative to county foresters. (Amendment printed SJ 3/29)

Rep. Ezra Mann moved that the House concur.
Adopted.

HB 905, relative to surrogate parents appointed for educationally handicapped children. (Amendment printed SJ 3/29)

Rep. Tufts moved that the House concur.
Adopted.

HB 963-FN, relative to certain public utility contracts.
(Amendment printed SJ 4/7)

Rep. Frederic Foss moved that the House concur.
Adopted.

HB 998-FN, relative to liability of manufacturers. (Amendment printed SJ 4/7)

Rep. Fraser moved that the House concur.
Adopted.

HB 1008-FN, relative to after market parts. (Amendment printed SJ 4/5)

Rep. Fraser moved that the House concur.
Adopted.

(Rep. Palumbo in the Chair)

HB 1020-FN, relative to occupational therapists and occupational therapy assistants. (Amendment printed SJ 3/29)

Rep. Hawkins moved that the House concur.
Adopted.

HB 1062-FN, extending the reporting date for the advisory committee on state economic development and local population growth. (Amendment printed SJ 4/5)

Rep. Robert Kelley moved that the House concur.
Adopted.

HB 1072-FN-A, appropriating funds to the department of environmental services for a water supply study. (Amendment printed SJ 3/24)

Rep. Dickinson moved that the House concur.
Adopted.

HB 1098-FN, establishing a committee to study surrogate motherhood. (Amendment printed SJ 4/7)

Rep. Alf Jacobson moved that the House concur.
Adopted.

(Speaker in the Chair)

HB 1107-FN-A, establishing a committee to study legislative employees and constitutional officers retirement benefits and making an appropriation therefor. (Amendments printed SJ 3/17)

Rep. Hawkins moved that the House concur.

Adopted.

HB 1186, relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards and development restrictions. (Amendment printed SJ 4/5)

Rep. Parker moved that the House concur.

Adopted.

HB 1194, relative to the emergency treatment of step-children. (Amendment printed SJ 3/29)

Rep. Robert Jones moved that the House concur.

Adopted.

HB 1199-FN, relative to unemployment compensation. (Amendment printed SJ 4/7)

Rep. Nichols moved that the House concur.

Adopted.

HB 625-FN, relative to fees for boats and boat registration, and making certain appropriations. (Amendment printed SJ 4/5)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. George Katsakiores, Gross, Hammond and Nelson.

HB 852-FN, relative to New Hampshire hospital personnel. (Amendment printed SJ 4/5)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, William McCain, Nancy Ford and Rosencrantz.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district. (Amendment printed SJ 4/7)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Barnes, Adams, West and Baldizar.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor, was removed at the request of Rep. LaMott.

SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor, was removed at the request of Rep. Hager.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor. (A) Ought to Pass with Amendment. This bill establishes a Conservation Corps in a cooperative effort between the Division of Parks and Recreation and the Division for Children and Youth Services. Because funds are available through other sources, the PAU created by the amendment appropriates \$1 in FY '88 and \$1 in FY '89. Vote 11-0. Rep. Susan Schwartz for Appropriations.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Supplemental Appropriation. Amend 1987, 400:01.03, 03, 04, 01 by replacing all after class 93 with the following:

	<u>FY 88</u>	<u>FY 89</u>
94 Conservation corps program	1	1
Total	361,081	365,988
Estimated source of funds		
For parks administration		
General fund	361,081	365,988
Total	361,081	365,988

3 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, authorizes the organization of a conservation corps to be under the supervision of the director of parks and recreation in cooperation with the director of the division for children and youth services. The corps would construct a trail from the Canadian border to the Massachusetts border and perform other appropriate and necessary conservation activities.

An appropriation of \$1 is made for each year of the biennium.

SB 298-A, relative to student housing at the New Hampshire technical institute and making an appropriation therefor. Ought to Pass. This bill authorizes additional bonding of up to \$3,467,000 for construction of a student dormitory at the New Hampshire Technical Institute in Concord. Vote 11-0. Rep. Susan Schwartz for Appropriations.

SB 315-FN, relative to the personnel appeals board. (A) Ought to Pass with Amendment.

This bill was introduced at the request of the Commissioner of Administrative Services to correct some errors in the present law. The amendment deletes sections 7 and 8 of the original bill as the Commissioner feels they are no longer needed and will allow a vitally

needed flexibility in the operation of the department. Vote 19-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the division of plant and property management,
and to the personnel appeals board and making
an appropriation therefor.

Amend the bill by replacing section 12 with the following:

12 Appropriation. There is hereby appropriated the sum of \$15,750 for the biennium ending June 30, 1989, to the division of personnel, department of administrative services, for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Effective Date.

I. Sections 7-9 of this act shall take effect June 30, 1988.

II. The remainder of this act shall take effect 60 days after its passage.

Amend the bill by deleting sections 7 and 8 and renumbering sections 9-13 to read as 7, 8, 9, 10, and 11 respectively.

AMENDED ANALYSIS

This bill changes the procedure for appeals made from decisions or actions taken by the personnel appeals board.

The bill, as amended, also changes the qualifications for members of the personnel appeals board and increases the remuneration paid to them.

The bill also specifies the manner in which an allocation review is to be conducted by the board.

Under this bill, the board is prohibited from creating new job classifications or job titles.

The bill also clarifies the amount of pay due upon reinstatement.

The bill, as amended:

(a) Authorizes additional purchasing authority for the director of plant and property management;

(b) Adds an exemption for the purchase of certain client rehabilitative equipment; and

(c) Inserts a position in group M and N in the unclassified salary schedule.

The bill also appropriates \$15,750 to the division of personnel to fund board compensation.

SB 322-FN-A, relative to petroleum pollution cleanup. (A) Ought to Pass with Amendment.

This bill will alleviate some of the problems caused by the lack of pollution liability insurance available to owners of underground storage tanks. The amendment corrects technical errors and makes it clear that no general funds shall be used. The only source of funds is the oil discharge and disposal cleanup fund. Vote 17-0. Rep. Susan Schwartz for Appropriations.

Amendment

Amend RSA 146-D:1 as inserted by section 1 of the bill by replacing it with the following:

146-D:1 Purpose. The general court finds that gasoline and diesel fuel, due to their extreme fluidity and suspected carcinogenic qualities, comprise a sufficiently distinct class of property which represents a potential serious health and safety problem to the citizens of New Hampshire. In particular, gasoline and diesel fuel present a potential threat to the quality of New Hampshire's groundwater and environment because of the speed with which these products are able to flow into, and contaminate, valuable groundwater supplies. The purpose of this chapter is to establish financial responsibility for the cleanup of oil discharge and disposal, and to establish a fund to be used in addressing the costs incurred by the owners of underground storage facilities for the cleanup of oil discharge and disposal, to protect groundwater, and for reimbursement for third party damages. The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a.

Amend RSA 146-D:3, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established an oil discharge and disposal cleanup fund. This fund shall assist in reimbursing the owner for costs incurred in cleaning up oil discharges and disposals in the ground and surface waters and soils of the state and in paying third party damages. The fund shall be collected as a fee imposed on all oil transferred or transported into or within this state.

Amend RSA 146-D:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Moneys collected for the fund shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

Amend RSA 146-D:4, III as inserted by section 1 of the bill by replacing it with the following:

III. The board members shall serve without compensation, except that all non-legislative members shall be reimbursed for mileage incurred on board business at the state employee mileage rate. The legislative members shall be reimbursed for mileage at the legislative rate. Such reimbursements shall be a charge against the oil discharge and disposal cleanup fund established under RSA 146-D:3, I.

Amend RSA 146-D:6 as inserted by section 1 of the bill by replacing it with the following:

146-D:6 Eligible Expenses.

I. The fund shall be available to owners of underground storage facilities, including underground home heating fuel storage tanks which are in compliance with all rules of the division, with a capacity equal to or greater than 1,100 gallons. Owners of underground storage facilities with current permits, current records, and who are in compliance with all rules of the division shall be eligible to apply to the fund.

II. Before applying for money from the fund, owners eligible for funds under this chapter shall be responsible for the following:

(a) The owner of one facility shall be responsible for the initial \$5,000 of cleanup costs at such facility.

(b) The owner of from 2 to 19 facilities shall be responsible for the initial \$20,000 of cleanup costs at each facility owned.

(c) The owner of 20 or more facilities shall be responsible for the initial \$30,000 of cleanup costs at each facility owned.

III. Owners of facilities eligible under this chapter may apply for funds to reimburse third parties for bodily injury, property damage and the costs of both on-site and off-site cleanup of oil discharge and disposal in amounts not to exceed \$1,000,000.

IV. Owners of facilities eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages discovered on or after the effective date of this section.

V. Costs of new tanks and associated piping shall not be considered eligible costs under this chapter.

VI. Notwithstanding any provision of this chapter, the division shall not be liable to any eligible party if sufficient funds are not available in the fund to meet the limits established in this chapter. Applications received by the division for which sufficient funds are not available at the time of application shall be held by the division pending availability of funds and shall be reviewed in the order in which they were received.

Amend RSA 146-D as inserted by section 1 of the bill by inserting after section 7 the following new sections:

146-D:8 Administrative Costs. Notwithstanding any provision of law, if the expenditure of additional funds is necessary for the costs of administration of the collection process established in RSA 146-A:11-b, II and III, upon request of the commissioner of safety, the governor and council, with the prior approval of the fiscal committee of the general court, may authorize the transfer of funds from the oil discharge and disposal fund established under RSA 146-D:3, I to the department of safety for such purposes.

146-D:9 Board Administratively Attached. The oil fund disbursement board shall be administratively attached to the department of environmental services pursuant to RSA 21-G:10.

Amend RSA 260:38, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The department of safety shall be responsible for collection of the fee established under RSA 146-D:3 and transfer of such funds to the oil discharge and disposal cleanup fund under rules adopted by the division of water supply and pollution control pursuant to RSA 541-A, after consultation with the oil fund disbursement board.

Amend the bill by replacing all after section 8 with the following:

9 New PAU; Appropriation. Amend 1987, 400.1 by inserting after PAU 02, 15, 01, 02, 07 the following new PAU:

- 02 Administration of justice and public protection
 - 15 Department of safety
 - 01 Administration and support
 - 01 Office of the commissioner
 - 08 Petroleum pollution

	FY 1989
10 Personnel services - permanent	129,048
20 Current expenses	3,020
30 Equipment	25,990
50 Other personal services	1
60 Benefits	28,391

70	In-state travel	8,100
80	Out-of-state travel	4,700
	Total	199,250
	Estimated source of funds for Petroleum pollution	
01	Oil discharge and disposal fund	199,250
	Total	199,250

10 Repeal. The following are repealed:

I. RSA 146-A:3-a, III, relative to loans from the oil pollution control fund.

II. RSA 146-A:11-a, III(e), relative to corrective measures.

III. RSA 146-A:11-a, IV, relative to priority distribution of oil pollution control fund loans.

IV. RSA 146-A:11-c, XII, relative to application procedures for loans from the oil pollution control fund.

V. RSA 146-A:11-c, XIII, relative to eligibility criteria for loans from the oil pollution control fund.

VI. RSA 146-A:11-c, XIV, relative to administration of loans from the oil pollution control fund.

VII. RSA 146-C:11, V, relative to the availability of loans from the oil pollution control fund for underground storage facilities.

VIII. RSA 146-D, relative to the oil discharge and disposal cleanup fund.

IX. RSA 260:38, IV, relative to collection and transfer of oil discharge and disposal cleanup fees.

11 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by this act.

12 Effective Date.

I. Paragraphs VIII and IX of section 10 of this act shall take effect January 1, 1994.

II. The remainder of this act shall take effect July 1, 1988.

AMENDED ANALYSIS

The bill, as amended, establishes an oil discharge and disposal cleanup fund, to be collected as part of the road toll assessment by the department of safety, and to be administered by an oil fund disbursement board. The board is to be composed of the commissioner of revenue administration or his designee; the commissioner of environmental services, or his designee; 3 representatives of oil dealers, distributors, and refiners; and 2 members of the general public, 2 members of the house of representatives and 2 members of the senate. The board is to be responsible for deciding on applications for money from the fund and investigating claims made against owners of underground oil storage facilities which might be reimbursed by the fund. The board shall be administratively attached to the department of environmental services.

The fund is to be financed by a fee of \$.003 per gallon of gasoline and diesel fuels either transferred within this state, or transported into this state. Owners of underground oil storage facilities, including underground home heating fuel storage tanks, are eligible to apply for assistance from the fund, depending on the number of facilities owned, after payment of a certain amount for each oil spill or leak at each facility owned. Owners are also eligible to apply for assistance in reimbursing third parties injured by such spills or leaks.

The bill, as amended, authorizes the department of safety to collect the oil transfer and transport license fee and deposit it in the oil pollution control fund. The bill, as amended, also removes the minimum oil storage facility requirement for licensing of oil importers in the state.

The bill repeals the authorization for the oil discharge and disposal cleanup fund as of January 1, 1994. The oil fund disbursement board is required to make recommendations on the fund's re-establishment before the 1993 legislative session.

The bill appropriates \$199,250 to the department of safety for fiscal year 1989 for the purposes of the bill.

SB 331-FN, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services. Ought to Pass with Amendment.

The amendment to this long overdue legislation simply gives the program more flexibility by appropriating the same \$30,000 in a lump sum and making the bill effective on passage. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Supplemental Appropriation; Department of Justice. In addition to any other sums appropriated to the office of victim/witness assistance, department of justice, the sum of \$30,000 is hereby appropriated for the biennium ending June 30, 1989, for rape victim services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, provides for payment by the state of medical or hospital costs related to examinations of alleged rape victims. The department of justice shall reimburse the physician or hospital for examination costs which are not the responsibility of a third party. This bill requires that the privacy of the victim be maintained to the extent possible during third party billings.

This bill also requires the department of justice to adopt rules establishing a standardized rape protocol and kit to be used by physicians and hospitals providing physical examinations for victims of alleged sexual offenses.

This bill also makes a supplemental appropriation of \$30,000 to the department of justice for rape victim services.

COMMITTEE REPORTS (Regular Calendar)

HB 1050-FN, relative to death benefits for beneficiaries of group II members. (A) Inexpedient to Legislate.

The provisions of this bill have been incorporated into SB 313-FN. Vote 17-0. Rep. Donna P. Sytek for Appropriations.

Resolution adopted.

HB 1205-FN-A, establishing a low and moderate income housing loan program and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill appropriates \$500,000 for a loan program to allow low and moderate income persons to make down payment on their first home. The amendment directs the Housing Finance Authority to target this program to those with the least income and assets in conjunction with the Authority's existing single family and state-owned land programs

and provides that interest on loans may not exceed 5%. Vote 19-0.
Rep. Donna P. Sytek for Appropriations.

Amendment

Amend RSA 204-C:58 as inserted by section 1 of the bill by replacing it with the following:

204-C:58 Loans for Down Payments; Priority.

I. Such funds as the general court may specifically appropriate from time to time to the authority may be loaned to eligible low and moderate income persons or families for the purpose of making down payments on single family homes. Such loans shall not be in excess of \$10,000 to any individual and shall be repaid at interest rates determined by the authority, provided that such interest rates shall not exceed 5 percent. The appropriations made for purposes of this section and loan repayments, including interest, together with any funds which the authority may allocate from time to time to this program, shall constitute a continuing revolving loan fund. The state's and the authority's interest in such property shall be protected by a lien or in such other manner as is acceptable to the authority.

II. The authority shall establish procedures to ensure that the loan program established under this subdivision shall be coordinated with programs administered by the authority, including, but not limited to, the other mortgage assistance programs administered by the authority, and with the public lands program established under RSA 204-D. Loans under this subdivision shall be given only to first time homeowners and shall be targeted toward those persons having the least amount of income and assets.

Amend RSA 204-C:61 as inserted by section 1 of the bill by replacing them with the following:

204-C:61 Rulemaking. The authority shall adopt rules in accordance with RSA 204-C:53, relative to:

- I. Criteria for eligibility for loans made under this subdivision.
- II. Application procedures for such loans.
- III. Interest rates and amount of loans.
- IV. Procedures for repayment of loans made under this subdivision, including, but not limited to, delayed payments and balloon payments.
- V. Procedures for equity sharing.
- VI. Procedures for coordination of the loan program established under this subdivision with other programs administered by the authority.
- VII. Any other matter necessary to the administration of this subdivision.

Amend RSA 204-C:62 as inserted by section 1 of the bill by deleting it.

AMENDED ANALYSIS

This bill establishes a low and moderate income housing loan program to be administered by the New Hampshire housing finance authority which allows loans, not to exceed \$10,000, to be made to low and moderate income persons to be used for single family homes. These loans would be used for down payments for such homes. Loans under this bill shall only be given to those persons who are first time homeowners and to those who have the least amount of income and assets.

The bill provides that if the home is later sold, the loan shall become immediately due and payable.

The bill appropriates \$500,000 to the authority for the purposes of this program.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that Joint Rule 10(a) final action on all bills in the originating body be suspended on HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor.

Adopted by the necessary two-thirds.

HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor. Ought to Pass.

This bill establishes a Joint Legislative Committee to monitor the Public Service Company of New Hampshire Reorganization Proceedings and authorizes the employment of an attorney to advise and assist the Committee and appropriates \$75,000 for this purpose. Vote 11-8. Rep. Philip H. Weymouth for Appropriations.

Ordered to third reading.

SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor. (A) Ought to Pass with Amendment.

Of the thirteen original colonies only Maryland, Massachusetts, Rhode Island, and Pennsylvania have their original colonial capitol buildings still standing. This bill authorizes the reconstruction and restoration of New Hampshire's original colonial capitol, a portion of which remains in Portsmouth. It seems especially appropriate that in this bicentennial year, a planned reconstruction be set in place. In each window of this building, nine candles were lighted in June 1788, to celebrate New Hampshire's ratification of the Federal Constitution.

The amendment authorizes bonding of \$1,750,000 and that no funds be expended until the Department of Libraries, Arts and Historical Resources and the Old State House Study Committee have completed plans for siting and use. Vote 9-3. Rep. Patricia O. Sanderson for Appropriations.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Appropriation. The sum of \$1,750,000 is hereby appropriated to the division of historical resources, department of libraries, arts and historical resources for the purposes of this act.

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,750,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

5 Plan Required. No funds from the appropriation made in section 3 of this act shall be expended, encumbered, or obligated in any way for the purposes of this act until the department of libraries, arts and historical resources and the old state house study committee jointly submit to the capital budget overview committee a plan outlining the site and possible uses for the old state house and receive the committee's approval. The director of the division of historical resources shall appoint the members of the old state house study committee.

6 Project and Expenditure Requirements. Notwithstanding the provisions of RSA 4:8, the division of historical resources, department of libraries, arts and historical resources, is authorized to receive and expend for the purposes of this act private gifts, bequests, grants and federal assistance, if available. The provisions of RSA 228 relative to competitive bidding shall not apply to this project.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill outlines the action necessary to implement the recommendations made pursuant to a historical and architectural study performed on the original state house in Portsmouth, New Hampshire for the purpose of restoring and reconstructing it. The bill appropriates \$1,750,000 to the division of historical resources for the restoration work. Such appropriation shall be in the form of bonds and notes.

The bill, as amended, also requires the department of libraries, arts and historical resources and the old state house study committee to submit a plan outlining the site and possible uses of the old state house to the capital budget overview committee before expending any portion of the appropriation.

The bill, as amended, authorizes the division of historical resources, department of libraries, arts and historical resources to receive and expend private moneys and grants for the purposes of this act. The bill, as amended, also provides that the competitive bidding requirements shall not apply to this project.

Question being on the Committee amendment, on a voice vote the Speaker was in doubt and requested a division.

178 members having voted in the affirmative and 105 in the negative, the amendment was adopted.

Question now being on ordering SB 247 to third reading, the Speaker was in doubt and requested a division.

173 members having voted in the affirmative and 126 in the negative, SB 247 was ordered to third reading.

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements. Ought to Pass with Amendment.

The Appropriations Committee amended this bill to provide for legislative oversight of expenditures by the Fiscal Committee. The revenues for these expenditures will come from increased fees contained in the bill as passed by the House. Vote 18-1. Rep. John P. Hammond for Appropriations.

Amendment

Amend the bill by replacing sections 2 and 3 with the following:

2 Licensing of Sales Finance Companies and Retail Sellers. Amend RSA 361-A:2, III to read as follows:

III. The license fee for each calendar year or part thereof shall be as follows:

(a) For a retail seller, the sum of [\$25] **\$50** for the principal place of business of the licensee within this state and the sum of [\$15] **\$30** for each branch of such licensee maintained in this state.

(b) For a sales finance company, the sum of [\$175] **\$350** for the principal place of business of the licensee within this state, and the sum of [\$50] **\$100** for each branch of such licensee maintained in this state. A person required to obtain a license under the provisions [hereof] of *this section* shall not be required to obtain a license as a retail seller.

(c) *Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the small loan and vehicle finance division.*

3 Payment of Costs of Examination of Financial Institutions. Amend RSA 383:11, I to read as follows:

I. From each such institution examined a sum equal to the product of the average daily rate of pay of all examining personnel employed in making examinations pursuant to the provisions of RSA 383:9, multiplied by the number of man days devoted to the examination of the particular institution, provided, however, that no such institution shall be charged or pay for less than one full day. *Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited, in accordance with the banking department's program appropriation unit designation, to the appropriation for the bank commissioner or the small loan and vehicle finance division.*

Amend the bill by replacing all after section 10 with the following:

11 Nondepository First Mortgage Bankers; License Application Fees. Amend RSA 397-A:5, II(b) to read as follows:

(b) Each license application shall be accompanied by a nonrefundable application fee of \$250 for each separate office location within this state to be licensed. Any applicant licensed prior to July 1, 1987, shall not be required to pay a new application fee, but shall pay a renewal fee under RSA 397-A:8. Sums collected under this subparagraph and RSA 397-A:8, III shall be *payable to the state treasurer as restricted revenue* and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

12 Nondepository First Mortgage Bankers; Examinations. RSA 397-A:12, V is repealed and reenacted to read as follows:

V. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

13 Second Mortgage Home Loans; License Fees. Amend RSA 398-A:1-a, III to read as follows:

III. The license fee for each calendar year or part thereof shall be \$250. Sums collected under this paragraph shall be *payable to the state treasurer as restricted revenue* and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

14 Second Mortgage Home Loans; Cost of Licensee Examinations. RSA 398-A:1-d is repealed and reenacted to read as follows:

398-A:1-d Cost. The commissioner may make such an examination of the affairs, business, office and records of any licensee. The expense of such examination shall be chargeable to and paid by the institution. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted

revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

15 Small Loans; Licensees; Examinations. Amend RSA 399-A:20, III to read as follows:

III. For the purpose of this section, the commissioner or his duly authorized representative shall have and be given free access to the office and places of business, files, safes and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation or hearing, and shall have authority to require the production of books, accounts, papers and records of such persons [, and shall require from each such licensee examined a sum equal to the product of the average daily rate of pay of all examining personnel employed in making examinations, multiplied by the number of man days devoted to the examination of the particular licensee, provided, however, that no such licensee shall be charged or pay less than one full day]. *The expense of such examination shall be chargeable to and paid by the institution. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.*

16 Debt Adjustors; Licensee Examinations. Amend RSA 399-D:10 to read as follows:

399-D:10 Annual Examination of Affairs of Licensee. The commissioner shall examine without notice the condition and affairs of each licensee at least once each year. In connection with any examination, the commissioner may examine on oath any licensee, and any director, officer, employee, customer, creditor or stockholder of a licensee, concerning the affairs and business of the licensee. The commissioner shall ascertain whether the licensee transacts its business in the manner prescribed by law and the [regulations issued hereunder] *rules adopted under this chapter.* [The licensee shall pay the actual cost of the examination as determined by the commissioner, which fee shall be deposited in the state treasury to the credit of the general fund.] *The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.* Failure to pay the examination fee within 30 days of receipt of demand from the commissioner shall automatically suspend the license until the fee is paid. In the investigation of alleged violations of this chapter, the commissioner may compel the attendance of any person or the production of any books, accounts, records and files used therein; and may examine under oath all persons in attendance pursuant thereto.

17 Appropriation; Bank Commissioner. Amend 1987, 400:1.02, 05, 01 by replacing all after class 80 with the following:

90 Additional admin. costs*		30,000
91 Trf. to LBA-audits D	12,000	12,000
Total	1,101,827	[1,132,815] 1,162,815
Estimated source of funds for General services and admin.		
09 Bank comm misc income *	1,101,827	[1,132,815] 1,162,815
Total	1,101,827	[1,132,815] 1,162,815

*Banking department revenues in excess of \$1,162,815 for the fiscal year ending June 30, 1989, are hereby appropriated and may be expended only with prior approval of the fiscal committee and governor and council.

18 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by this act.

19 Repeal. RSA 394-A:8, relative to the powers of state-chartered financial institutions to establish branch offices, is repealed.

20 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill grants the bank commissioner exclusive authority to approve the operation of a bank acquired in a consolidation as a branch office of the acquiring bank. Current law requires banks in this situation to obtain the approval of both the bank commissioner and the board of trust company incorporation.

This bill, as amended, increases application fees and license fees paid to the bank commissioner. It also provides that application, license and examination fees shall be payable to the state treasurer as restricted revenue and credited either to the appropriation for the bank commissioner or to the small loan and vehicle finance division of the banking department.

In addition, the bill, as amended, repeals an exemption from the provisions of RSA 394-A, relative to the powers of federally-chartered financial institutions, for state-chartered financial institutions engaging in branch banking.

The bill, as amended, makes an additional appropriation of \$30,000 to the PAU for the bank commissioner, for additional administrative costs for the fiscal year ending June 30, 1989. The bill also appropriates excess banking department revenues but requires that such expenditures may be made by the commissioner only with prior approval of the fiscal committee and governor and council.

Amendment adopted.

Ordered to third reading.

Reps. Kidder and Pearson moved that SB 275-A, relative to Skyhaven airport and making an appropriation therefor, be made a Special Order for 2:30 p.m.

Rep. Palumbo spoke to the motion.

Adopted.

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula. Ought to Pass with Amendment.

The bill, as written, is not needed because it has been replaced by a House Bill. The amendment establishes a study committee to examine school building needs and school building aid. Vote 16-2. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study school facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership. There is established a committee to study school facilities. The members of the committee shall be as follows:

I. One member of the house of representatives, appointed by the speaker of the house.

II. One member of the senate, appointed by the president of the senate.

III. One member at large, appointed by the governor.

IV. One member appointed by the New Hampshire School Boards Association.

V. One member appointed by the New Hampshire School Administrators' Association.

VI. One member appointed by the New Hampshire Association of School Principals.

VII. One member appointed by the Council of School Architects.

VIII. The commissioner of education or his designee.

IX. One member of the state board of education, appointed by the board.

2 Meeting; Chair; Staff. The member appointed by the governor shall arrange and call the first meeting of the committee within 30 days of the effective date of this act. At the first meeting, the members shall elect a chair from among them. The department of education shall provide staff support and research as requested by the committee.

3 Duties of the Committee. The committee shall review, and when appropriate, make recommendations concerning:

I. The current status of school facility utilization and need in each school district of the state.

II. Student population projections including the impact of such growth on school facilities.

III. The role of the state in the school construction process.

IV. Strengths and weaknesses of the current statutory school building aid formula.

V. Impact of state board of education minimum curricular standards on school facilities.

VI. Comparisons of the New Hampshire school building aid statutes with those of other states.

VII. School construction issues at the local level including, but not limited to, the appropriateness of the 2/3 vote requirement for passage of a school bond issue.

VIII. Alternatives to assure full funding of the state's portion of school construction costs.

IX. The impact on school facilities of all state and federal statutes and regulations including, but not limited to, such environmental issues as asbestos removal, and underground oil storage tanks.

X. New developments in education that may have an impact on school buildings.

XI. Any other concerns which the committee deems appropriate.

4 Report. The committee shall make a report of its findings to the speaker of the house, president of the senate, and governor not later than November 1, 1988. Proposed legislation reflecting the recommendations of the committee shall be prepared for introduction by the legislative members of the committee by December 1, 1988.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a committee to study school facilities, focusing on present utilization and future needs. The committee is to issue its report by November 1, 1988.

Amendment adopted.

Ordered to third reading.

SB 294-FN, relative to the catastrophic aid formula, and making a supplemental appropriation therefor. (A) Ought to Pass with Amendment. The amendment to this housekeeping bill relative to special education funding strikes the appropriation because it is in the supplemental budget. It also asks that the Foundation Aid Formula Committee look at the catastrophic aid formula. Vote 16-3. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the catastrophic aid formula.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Study of Catastrophic Aid Formula. Amend 1987, 264:1 by inserting after paragraph III the following new paragraph:

IV. The committee shall also evaluate the effectiveness of the catastrophic aid formula established in RSA 186-C:18, III. The committee shall submit a report of its findings and recommendations by December 1, 1988, to the speaker of the house, the president of the senate, and to the governor.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect on July 1, 1988.

II. The remainder of this act shall take effect upon passage.

AMENDED ANALYSIS

The bill corrects inconsistent language in the catastrophic aid statute.

The bill also charges the existing committee to study the foundation aid formula with the duty to study and report on the effectiveness of the catastrophic aid formula.

Amendment adopted.

Ordered to third reading.

SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike. Ought to Pass with Amendment.

This bill expedites the planning and beginning of an east-west highway from Concord I-393 to Spaulding turnpike. Vote 16-2. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend 1986, 203:8 as inserted by section 1 of the bill by replacing it with the following:

203:8 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of an environmental impact study and preliminary design plans for a 4-lane east-west highway from Route I-393 in Concord, to a terminus on the Spaulding turnpike. This shall be a non-lapsing appropriation and in addition to any other appropriation for the department of transportation for the biennium.

AMENDED ANALYSIS

This bill, as amended, amends 1986, 203:8. The bill maintains the non-lapsing \$1,000,000 appropriation and directs the department of transportation to limit the scope of the study to a terminus on the Spaulding turnpike. A completion date for the study is established. The department of transportation is authorized to obtain additional funding for the study if it is necessary from the highway surplus account conditional on fiscal committee and governor and council approval. The bill increases the bonding authority by \$2,000,000 to repay the highway surplus account for any additional funds authorized.

Amendment adopted.

Ordered to third reading.

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct. (A) Ought to Pass with Amendment. This bill recognizes that a judge is more valuable after gaining some experience on the bench. It provides salary increments of \$1,500 for full-time judges after 2, 4, 6 and 8 years of service. The bill is prospective only, with the first increment being paid in FY 1991. The amendment merely clarifies the language to better reflect legislative intent that no one get a windfall. Vote 19-0. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend RSA 491-A:1-a as inserted by section 1 of the bill by replacing it with the following:

491-A:1-a Judicial Service Increment. The salary each full-time justice receives shall be increased by \$1,500 at the conclusion of the judge's second, fourth, sixth and eighth years of service as a full-time justice. For purposes of this section, each judge's first year of creditable service shall begin on July 1, 1988.

Amendment adopted.

Question being on ordering SB 303 to third reading, on a voice vote the Speaker was in doubt and requested a division.

208 members having voted in the affirmative and 70 in the negative, SB 303 was ordered to third reading.

Rep. Champagne abstained from voting under Rule 16.

SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (A) Ought to Pass with Amendment.

This bill, as amended, provides that 50% of fines for violations of municipal ordinances will be returned to the community whose ordinance was violated. The balance will continue to go to the general fund. Additionally, the amendment transfers \$143,000 and appropriates \$175,000 to supply the equipment and personnel to administer this and other statutory changes that have substantially increased the workload of the District Court System. Vote 19-0. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations, transferring certain appropriations within the judicial branch, and making a supplemental appropriation for new positions in the judicial branch.

Amend the bill by replacing all after the enacting clause with the following:

1 Disposition of Municipal Court Fines and Forfeitures. Amend RSA 502:14 to read as follows:

502:14 Duties of Clerk; Disposition of Fines.

I. The clerk shall receive all fines and forfeitures paid into the municipal court from any source. After deducting witness fees, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. *Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6-7, shall be remitted within 14 days as follows:*

(a) *Fifty percent to the treasurer of the municipality prosecuting said violations, for the use of the municipality.*

(b) *Fifty percent to the commissioner of administrative services, or to such department or agency of the state as law provides.*

II. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines [so] collected shall be retained *in their entirety* by the local unit of government.

2 Disposition of District Court Fines and Forfeitures. Amend RSA 502-A:8 to read as follows:

502-A:8 Duties of Clerks; Disposition of Fines.

I. The clerk shall receive all fines and forfeitures paid into the district court from any source. After deducting witness fees, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. *Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6-7, shall be remitted within 14 days as follows:*

(a) *Fifty percent to the treasurer of the municipality prosecuting said violations, for the use of the municipality.*

(b) *Fifty percent to the commissioner of administrative services, or to such department or agency of the state as law provides.*

II. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines [so] collected shall be retained *in their entirety* by the local unit of government.

3 Recordkeeping Comparison. For the purpose of sections 1 and 2 of this act, one court which utilizes an automated recordkeeping system and one court which uses a manual bookkeeping method, shall each maintain a record of actual administrative costs incurred by the court to process

each fine and forfeiture collected by the clerk of that court for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII or VIII; and RSA 105:6-7. These 2 courts shall be determined by the director of the administrative office of the courts. On January 1, 1990, the director of the administrative office of the courts shall make conclusions and report to the legislative fiscal committee on the findings of actual administrative costs incurred by the 2 courts chosen for this study.

4 Reduced Appropriation; Notation Added; Judicial Branch; Court Security. Amend 1987, 400.01, 02, 01, 08 to read as follows:

02 Administration of justice and public protection

01 Judicial branch

08 Court security

	<u>FY 1988</u>	<u>FY 1989</u>
10 Personal services - permanent	31,117	33,931
30 Equipment <i>F</i>	143,000	[143,000]
		-0-
60 Benefits	6,535	7,465
Total	180,652	[184,396] 41,396
Estimated source of funds for		
Court security		
General fund	180,652	[184,396] 41,396
Total	180,652	[184,396] 41,396

5 Supplemental Appropriation; Judicial Branch; District Courts; Automation. Amend 1987, 400:01.02, 01, 04 by replacing all after class 93 with the following:

	<u>FY 88</u>	<u>FY 89</u>
95 Automation	-0-	\$ 143,000
Total	7,792,152	8,327,815
Estimated source of funds for		
District court		
02 District court	1,000,000	1,000,000
General fund	6,792,152	7,327,815
Total	7,792,152	8,327,815

6 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

7 Appropriation; Supreme Court. In addition to any other sums appropriated to the judicial branch, the sum of \$175,000 is hereby appropriated to the supreme court for the biennium ending June 30, 1989, for the purpose of establishing 10 new court assistant 1 positions at labor grade 13 and for additional funding for increased hours of current court assistants. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Sections 1, 2 and 3 of this act shall take effect January 1, 1989.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, provides that the district and municipal courts shall pay 50 percent of fines collected for violations of most municipal ordinances, codes, or regulations over to the municipality whose ordinance, code, or regulation was violated.

This bill, as amended, requires 2 courts, one which uses an automated recordkeeping system and one which uses a manual bookkeeping method, to maintain a record of actual administrative costs for those fines and forfeitures collected, of which 50 percent is paid to the municipality.

The bill, as amended, transfers a \$143,000 appropriation for court security equipment to the district courts for automation. The bill also makes a supplemental appropriation to the supreme court of \$175,000, to create 10 new court assistant positions and to pay for increased hours for current court assistants.

Amendment adopted.

Ordered to third reading.

SB 305-FN, relative to pari-mutuel pools at dog races. (A)
Inexpedient to Legislate.

In spite of a full afternoon's debate, the Committee was unable to agree on the bill. Some members felt the bill should not pass at all, others agreed that some sort of a study should be performed and some sort of tax relief should be provided to the greyhound racing industry, but could not agree on either the scope of the study nor the amount of the tax break. The bill was finally voted Inexpedient with the Chairman breaking the tie. Vote 11-10. Rep. Caroline L. Gross for Appropriations.

Rep. Gross moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to her motion.

Adopted.

Rep. Gross offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to pari-mutuel pools at dog races and
authorizing a study of greyhound racing.

Amend the bill by replacing all after the enacting clause with the following:

1 Temporary Allocation of Pari-Mutuel Tax.

I. Until June 30, 1989, in lieu of the 4 percent provision in RSA 284:23, II-a, a sum equal to 4 percent of the total contributions to all such pari-mutuel pools other than win, place, and show pari-mutuel pools shall be allocated as follows: (a) 3 percent to the state treasurer; and (b) one percent to each licensee to be used for capital expenditures for alterations, additions, replacements, changes, improvements, or major repairs to or upon the property owned or leased by any such licensee and used for such dog races or to create a fund for advertising, promotional and marketing purposes, including reducing the costs of admission, programs, parking and concessions. A pari-mutuel licensee shall deposit such moneys received under subparagraph (b) in a separate interest-bearing account for each race track. Any capital expenditure shall require the licensee to provide a 50 percent match in funds.

II. Prior to constructing any improvements upon the property used for racing by any such licensee, the licensee shall submit to the pari-mutuel commission a preliminary plan or sketch outlining the nature and extent of the proposed improvements. The commission may require such additional specifications and plans as may be necessary to satisfy itself that the proposed improvements are, in fact, of a capital nature as distinguished from deductible expenditures for maintenance and repairs, and that the licensee shall provide 50 percent of the capital cost of the project. The commission shall return its findings to the applicant licensee within 30 days after receipt of final data necessary to make such judgment. The licensee, upon receiving the commission's findings and with prior approval of the fiscal committee, may commence construction of the improvements.

III. Each licensee shall file with the pari-mutuel commission, on the first day of January, April, July and October, its proposed advertising, promotional and marketing program for the ensuing quarter showing the allocation of the funds in percentage terms among the various purposes to be accomplished in that quarter. Before the licensee may expend funds under this paragraph, it shall certify that the funds are not being used for replacement purposes, receive prior approval of the fiscal committee of the general court, and have spent at least as much on advertising, promotional, or marketing purposes as in the prior year.

IV. Within one year of the effective date of this act, each licensee receiving the capital improvement and advertising, promotional, or marketing funds provided for in paragraph I shall report to the fiscal committee and account to the pari-mutuel commission as a separate supplement to its annual financial statement required under RSA 284:32-a. Such supplement shall be separately certified by the licensee's certified public accountant and shall show in such detail as the commission may require, the itemized expenditures for the capital improvements approved by the commission under paragraph II. The supplement shall also show the expenditure for advertising, promotional and marketing funds substantially in accord with the quarterly outlines submitted to the commission under paragraph III.

2 Study of Greyhound Industry In New Hampshire. Within 30 days after the effective date of this act, as directed and approved by the chairman of the fiscal committee, the legislative budget assistant holding office under RSA 14:30 shall engage a reputable firm, which is not employed by any of the licensees under RSA 284, and which is qualified to conduct economic studies and analyses, to make an analysis of the greyhound racing industry as conducted in the state of New Hampshire and its relationship to horse racing and to make a report not later than November 15, 1988, to the fiscal committee of the general court, the ways and means committee of the senate, and the regulated revenues committee of the house of representatives. The report shall cover the following subjects and such other topics as directed by the fiscal committee of the general court:

I. The impact of the gross revenue tax on the continued viability of greyhound racing.

II. A comparison of the takeout or commission and the tax on greyhound racing in New Hampshire with the takeout or commission and taxes on greyhound racing in other states.

III. The extent to which state funds are made available in other jurisdictions to make capital improvements and promote greyhound racing.

IV. A comparison of the funds made available by the state to promote activities under RSA 284:21-a through 21-s with funds made available by the state for the promotion of activities under RSA 284:22 and RSA 284:23.

V. The effect of competition from racetracks in other New England states.

VI. A survey of the number of persons employed directly or indirectly in greyhound racing in New Hampshire and the economic impact on the state and local economy.

VII. A study as to the feasibility and impact of capital improvements including but not limited to expenditures made for additions, alterations, replacement, and other major repairs to the race track owned or leased by the licensee.

VIII. The relationship of tax relief to the financial health of the greyhound racing industry in New Hampshire.

3 Cost of Study. The cost of the study conducted under section 2 of this act shall be a charge against the one percent fund created by section 1 of this act. Each licensee entitled to the fund shall bear its proportional share of the cost of such study. Expenditures for the study shall not exceed \$100,000.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

Under this bill, as amended, until June 30, 1989, dog race licensees must pay the state treasurer 3 percent on pari-mutuel pools other than win, place, and show pari-mutuel pools, rather than the 4 percent required under current law. The remaining one percent would be allocated among funds for capital expenditures for alterations, additions, replacement, major repairs to the property owned or leased by any dog track licensee, or funds for promotional and marketing purposes, including reducing the costs of admission, programs, parking, and concessions at the track. The amended bill also establishes the procedures by which each licensee receiving the capital improvement and promotional funds shall account to the fiscal committee of the general court and the pari-mutuel commission for these funds.

The bill, as amended, requires the legislative budget assistant to hire a firm to conduct an analysis of greyhound racing in New Hampshire. The cost of this study shall be a charge against the fund established in this bill.

Rep. Gross explained the amendment and yielded to questions.

Rep. Phelps spoke in favor of the amendment and yielded to questions. Amendment adopted.

Ordered to third reading.

SB 307-FN, relative to retirement pay for judges, to vested rights in judicial retirement compensation, and to the committee on judicial conduct. (A) Ought to Pass with Amendment.

This bill provides a retirement benefit for judges who have served 20 years and are 60 years of age, and allows certain benefits to be vested after specified periods of service. The amendment deletes the judicial conduct section of the bill in keeping with the House action on SB 345. Additionally, the amendment provides a benefit to 4 elderly widows of justices who "fell between the cracks" of previous legislation. Vote 16-3. Rep. Donna P. Sytek for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to retirement pay for judges and to vested rights in judicial retirement compensation, and relative to retirement benefits for widows and spouses of supreme, superior, and district court judges and making an appropriation therefor.

Amend the bill by replacing all after section 4 with the following:

5 Application. The provisions of section 1-4 of this act shall not apply to any judge or to the surviving spouse and children of any judge who retired or who left judicial service prior to the effective date of this act.

6 Retirement Benefits Authorized. Notwithstanding the circumstance that any supreme, superior, or district court justice died and left a widow or retired before the laws of 1974, 25:1 and 2 and 1977, 454:1 became effective, which would have made the widow or spouse eligible for and included in retirement benefits for a widow or a spouse of a supreme, superior, or district court justice as provided in RSA 490:2, 491:2, and 502-A:6-a, every such widow or spouse shall be entitled to receive the appropriate retirement benefits due a widow or spouse under RSA 490:2, 491:2, and 502-A:6-a, as amended by 1974, 25:1 and 2 and 1977, 454:1. The amount of payments needed for every such widow or spouse shall be determined by the administrative office of the courts. The governor is authorized to draw his warrant for such sums out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that any justice of the supreme court, superior court or district court who retires after attaining the age of 60 years and with 20 years of service as a full-time justice, is entitled to 3/4 of the annual salary he was receiving when he retired for the remainder of his life.

This bill also allows a justice to receive retirement compensation when he reaches the age of 65 years if he retired before the age of 65, provided that he served at least 10 years as a full-time justice. A judge with 10 years of service would receive 33-1/3 percent of the paid to him at the time of his resignation. A judge with 15 years of service would receive 50 percent of the salary. A judge with 20 years of service would receive 75 percent of the salary.

Surviving spouses and children of deceased justices with at least 10 years of judicial service are entitled to the same compensation the judge would have received, but no benefit is payable to them until the date on which the judge would have reached the age of 65 years.

As amended, the bill also authorizes the state of New Hampshire to pay the appropriate retirement benefits due widows and spouses of supreme, superior, and district court justices when those justices died or retired before the current law became effective which provides benefits to such widows and spouses.

Amendment adopted.

Question being on ordering SB 307 to third reading, on a voice vote the Speaker was in doubt and requested a division.

209 members having voted in the affirmative and 94 in the negative, SB 307 was ordered to third reading.

Rep. Champagne abstained from voting under Rule 16.

SB 313-FN, providing a cost of living increase for New Hampshire retirement system group II members. (A) Ought to Pass with Amendment. As amended, SB 313-FN becomes the omnibus Group II Special Account bill. Added to the original contents of SB 313, the cost of living increase for Group II members, are: (1) HB 1050 which increases the lump sum death benefit for current Group II members who retire after July 1, 1988, and (2) SB 330 which authorizes health care benefits for all retired public employees and funds them for current and retired members of group II as of June 30, 1988.

Several technical changes and a statement of legislative intent are also included.

All the amendments to this and to SB 327, the Group I retirement bills, were adopted after consultation with the policy committee and in the presence of representatives of the groups affected.

Vote 16-3. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a cost of living increase for New Hampshire retirement system group II members, relative to death benefits for beneficiaries of group II members, and relative to health care benefits for retired group II members and retired employees of political subdivisions.

Amend the bill by replacing all after section 2 with the following:

3 Lump Sum Payment on Group II Member's Death. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a retired group II member who retired on or after April 1, 1987, after the member's retirement allowance payments have commenced, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600[,] *if the member retired before July 1, 1988*, and there shall be paid to the member's surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. [This allowance shall be in addition to the lump sum payment of \$3,600.] *For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).*

4 Funding. Notwithstanding any provisions of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 3 of this act for group II members shall be terminally funded from the special account created by RSA 100-A:16, II(h).

5 New Subdivision; Medical Benefits. Amend RSA 100-A by inserting after section 49 the following new subdivision:

Medical Benefits

100-A:50 Medical Insurance Coverage.

I. Every political subdivision of the state that provides for its active employees any group medical insurance or group health care plan, including but not limited to hospitalization, hospital medical care, surgical care, dental care, or other group medical or health care plan, shall permit its employees upon retirement to continue to participate in the same medical insurance or health care group or plan as its active employees. Coverage for spouses, other family members and beneficiaries of retirees shall also be permitted to the extent that coverage is provided for the spouses, other family members and beneficiaries of active employees. Present employees not covered shall

be permitted to rejoin the active employee health insurance or health care group whenever this is permitted by the insurer.

II. Each political subdivision, as employer, may elect to pay the full cost of group medical insurance or health care coverage for its retirees, or may require each retiree to pay any part or all of the cost of the retiree's participation. Such election may be made separately for retirees from different job classifications.

100-A:51 Authorized Deductions. Upon request in writing of any retired former policeman, fireman, teacher, or employee member or beneficiary of the New Hampshire retirement system who participates in a group medical insurance or health care plan under the sponsorship of a political subdivision of the state as the retiree's former employer, the retirement system shall deduct from the monthly retirement allowance of such retired member or beneficiary the cost to the retiree or beneficiary of such medical insurance or health care coverage. The amounts so deducted shall be paid over by the retirement system for the benefit of the retiree or beneficiary, either directly to the insurer or health care provider or to the employer, as may be determined by agreement between the trustees of the retirement system and the employer.

100-A:52 Payment by Retirement System.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of RSA 100-A:55, for the following persons:

(a) Any person retired as a group II member of the New Hampshire retirement system on service or disability retirement, provided that such person shall be entitled to retirement on the basis of group II creditable service without including any credit for service as a group I member of the retirement system.

(b) The spouse of such a qualified retiree.

(c) The surviving spouse of a deceased retired group II member who met the qualifications of subparagraph (a), or of a deceased member who died while in service as a group II member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, 100-A:12 or 100-A:13.

(d) Any certifiably handicapped dependent child living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

II. However, the maximum amount payable by the retirement system for any one-person premium shall not exceed the cost of a one-person premium in the state employees plan, and the maximum amount payable by the retirement system for any two-person or family premium shall not exceed the cost of a two-person premium in the state employees' plan except that in the case of a handicapped dependent child qualified under subparagraph I(d) the retirement system shall pay an additional amount up to the additional premium for such child in the state employees plan.

III. In the case of group II members retired from employment by the state and their beneficiaries, the provisions of RSA 21-I:26 through 21-I:36 relating to medical insurance coverage for retirees shall continue to apply. The amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical insurance for such persons and the state shall pay any excess.

IV. In the case of group II members retired from employment by political subdivisions of the state, if the cost of the premium for any retired group II member or surviving spouse shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA

100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

V. There shall be no age limit to participate in the medical and health benefits provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group II member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

VI. Any group II member retired before July 1, 1988, or surviving spouse, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such retired member or surviving spouse shall apply to the employer for such benefits before July 1, 1989. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group II retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join an active-employee medical insurance or health plan and to receive benefits under this section, and shall provide assistance to them in the preparation of the necessary application.

100-A:53 Method of Financing.

I. The benefits provided under RSA 100-A:52 shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group II employer contributions made for group II in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of the effective date of this act by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until total accumulated reimbursement equals \$52,800,000, plus future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

III. Except as provided in RSA 100-A:54, II, all contributions made to the retirement system to provide medical benefits under RSA 100-A:52 shall be maintained in a separate account the 401(h) subtrust and such funds shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52. The funds, if any, accumulated to provide medical benefits under RSA 100-A:52 may be invested pursuant to the provisions of RSA 100-A:15.

IV. A separate account shall be established and maintained for each retired member who is a key employee, as defined under section

416(i) of the Internal Revenue Code, at any time during the plan year or any previous plan year during which contributions are made hereunder on behalf of such member for the purposes of RSA 100-A:52.

100-A:54 Miscellaneous Provisions.

I. It is the intention of the state of New Hampshire that the New Hampshire retirement system continue to provide medical benefits under RSA 100-A:52 subject to RSA 100-A:55, and that the employer make contributions in such amounts as the board of trustees shall deem necessary and appropriate under RSA 100-A:16 for such purpose. Any forfeitures of a member's interest in the medical benefit accounts as provided under this section prior to any discontinuance of medical benefits by the legislature shall be applied to reduce any subsequent employer contributions made pursuant to this section.

II. The legislature may discontinue contributions under this subdivision with respect to medical benefits provided under RSA 100-A:52 or cease providing such medical benefits for any reason, at any time, in which event the funds allocated to provide such medical benefits, if any remain, shall be used to continue medical benefits to members who were eligible for them under RSA 100-A:52 and 100-A:55 prior to the discontinuance date as long as any funds remain. However, if after the satisfaction of all medical benefits provided under RSA 100-A:52 there remain any funds, the program shall be deemed to be terminated and such remainder shall be returned to the appropriate employer, as defined in RSA 100-A:1, IV, in accordance with section 401(h)(5) of the Internal Revenue Code.

100-A:55 Application.

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988. Such additional benefits shall not apply to persons who become members of group II after June 30, 1988, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

II. For the purposes of this subdivision, group II in the New Hampshire retirement system shall include predecessor systems under RSA 102 and RSA 103.

6 Repeals. RSA 100-A:10-a, relative to authorized deductions for group hospital and medical insurance, is hereby repealed.

7 Contingency Provision. If both this act and HB 1048-FN, an act relative to medical and health insurance coverage for retired non-state group I and group II New Hampshire retirement system members, of the 1988 regular session of the general court became law, HB 1048-FN shall not take effect. The director of legislative services is authorized to make any technical changes to any bill sections or RSA sections inserted by this act necessary to conform the sections to proper RSA or bill format.

8 Effective Date.

I. Sections 3 and 4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1988.

AMENDED ANALYSIS

As amended, this bill provides a 5 percent cost of living adjustment for New Hampshire retirement system group II beneficiaries who retired prior to July 1, 1987, effective July 1, 1988.

Funding for the additional allowance comes from the retirement system special account, RSA 100-A:16, II(h).

As amended, this bill changes the lump sum payment made upon a group II member's death after retirement. The lump sum payment is:

(1) \$3,600 if the member retired before July 1, 1988.

(2) \$10,000 if the person is a group II member as of June 30, 1988, and retires on or after July 1, 1988.

(3) \$3,600 if the person becomes a group II member on or after July 1, 1988.

As amended, the total actuarial cost of providing lump sum payment benefits upon the death of group II members is terminally funded from RSA 100-A:16, II(h).

As amended, this bill requires every political subdivision of the state that provides for its active employees any group health insurance or group health care plan, to permit its employees upon retirement to continue to participate in the same health care group or plan as its active employees.

Under this bill, as amended, each political subdivision may elect to pay the full cost of group medical insurance or health care coverage for its retirees, or may require each retiree to pay any part or all of the cost of the retiree's participation.

As amended, this bill enables group II members of the New Hampshire retirement system retired on service or disability retirement to receive permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits. The retirement system will pay the cost of such benefits up to the cost of a 2 person premium under the retired member's plan. The benefits are also provided for the member's spouse and handicapped children, within the cost limitation. Such benefits are to be provided and administered by the New Hampshire retirement system.

Funding for the cost of coverage is provided by a 401(h) subtrust of the New Hampshire retirement system.

As amended, the bill requires the retirement system to notify group II retirees and surviving spouse beneficiaries, of their right to re-join an active-employee medical insurance or health plan and to receive benefits under this act.

As amended, the additional benefits provided under the act apply to persons who are active or retired members of group II as of June 30, 1988.

Amendment adopted.

Ordered to third reading.

SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness. (A) Ought to Pass with Amendment.

This bill allows medical assistance for severely disabled children. The appropriation of \$700,000 also means that \$700,000 of federal money can be spent for this critical need. Vote 14-2. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to providing medical assistance to children who are severely disabled, establishing an oversight committee, and making an appropriation therefor.

Amend RSA 167:3-c, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Establishing an optional state coverage group under RSA 167:6, VII to provide medical assistance for children under the age of 18 years who are severely disabled.

Amend the bill by replacing all after section 1 with the following:

2 Oversight Committee Established; Reimbursement; Report.

I. There is established a committee to review coverage of the new severely disabled group under RSA 167:6, VII. The members of the committee shall include:

- (a) The commissioner of health and human services or her designee.
- (b) A member of the house of representatives, appointed by the speaker of the house.
- (c) A member of the senate, appointed by the president of the senate.
- (d) A member of the medical profession, appointed by the governor.
- (e) A public member appointed by the governor.
- (f) A parent of a disabled child, appointed by the governor.
- (g) One representative each from the division of mental health and developmental services, the division for children and youth services, the division of public health services, and the division of human services.

II. Legislative members of the committee shall be reimbursed for mileage at the legislative rate, and state employee members shall be reimbursed at the state employee mileage rate.

III. The committee shall study the new severely disabled group to be covered under RSA 167:6, VII and report to the speaker of the house, president of the senate, and the governor by April 1, 1989.

IV. The department of health and human services shall provide all necessary staff assistance to the committee.

3 Appropriation. There is hereby appropriated to the department of health and human services the sum of \$700,000 for the fiscal year ending June 30, 1989, for the purposes of this act. Said sum shall be in addition to any other sums previously appropriated to the department. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill instructs the director of the division of human services to adopt rules relative to providing medical assistance to children under 18 years who are severely disabled. The bill appropriates \$700,000 for fiscal year 1989 to the department of health and human services to pay for such medical assistance.

The bill, as amended, establishes an oversight committee to review the coverage of the new severely disabled group. The committee is to report by April 1, 1989.

Amendment adopted.

Ordered to third reading.

SB 326-FN-A, establishing a New Hampshire rivers management and protection program and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill establishes a rivers management and protection program. The amendment corrects technical errors and establishes a PAU with the appropriation reduced to \$47,000. Vote 12-2. Rep. Susan Schwartz for Appropriations.

Amendment

Amend RSA 227-F:3 as inserted by section 1 of the bill by replacing it with the following:

227-F:3 Rivers Coordinator. There is established in the office of planning, department of environmental services, a state rivers coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire rivers management and protection program.

Amend RSA 227-F:5 as inserted by section 1 of the bill by replacing it with the following:

227-F:5 Coordination With Federal Statutes. For the purposes of the Electric Consumer Protection Act amendment to the Federal Power Act, protected rivers or segments of such rivers designated under this chapter shall constitute one element of the state comprehensive plan for river conservation and development. Protected rivers or segments of such rivers so designated shall constitute protected waterways with respect to the provisions of the Public Utilities Regulatory Policies Act, section 210(j)(2), 16 U.S.C. Section 824a-3(j)(2). Water quality shall not be degraded from existing water quality standards established under RSA 149 and 149-E.

Amend RSA 227-F:7 as inserted by section 1 of the bill by replacing it with the following:

227-F:7 Legislative Designation. Any nomination approved by the commissioner shall require review and approval by the general court prior to inclusion in the program. Such action shall be filed as a bill in the next legislative session following the nomination.

Amend the introductory paragraph to RSA 227-F:8 as inserted by section 1 of the bill by replacing it with the following:

227-F:8 Rivers Management Advisory Committee; Establishment. There is established a rivers management advisory committee appointed by the governor and council. At least 3 committee members shall represent the North Country.

Amend RSA 227-F:8, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) A representative of the Granite State Hydropower Association chosen from a list of 3 nominees.

Amend RSA 227-F:8, III as inserted by section 1 of the bill by replacing it with the following:

III. The terms of state agency members shall be the same as their terms in office. The members shall serve 3-year terms, except that the terms of the initial members appointed under subparagraphs I(a), (d), and (g) shall be one year, and those appointed under subparagraphs I(b), (e), and (h) shall be 2 years.

Amend section 5 of the bill by replacing it with the following:

5 Appropriation. In addition to any other sums appropriated to PAU 03, 04, 01, Resource Protection and Development, Department of Environmental Services, Office of the Commissioner, there is appropriated the following additional sums for the fiscal year ending June 30, 1989, for the purposes of this act:

	<u>FY 1989</u>
10 Personal services - permanent	23,634
20 Current expenses	6,387
30 Equipment	9,000
60 Benefits	4,979
70 In-state travel	<u>3,000</u>
Total	47,000

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

The bill, as amended, establishes the New Hampshire rivers management and protection program in the office of planning, department of environmental services, to be implemented by a state rivers coordinator. The state rivers coordinator is to be a classified state employee. The program establishes a process to nominate for protection rivers, river stretches, and streams representing significant examples of scenic, recreational, wildlife, cultural, historical, archaeological, hydrologic, and geologic resources, and high water quality levels. Nominations are to be reviewed by the commissioner of environmental services and presented to the general court for approval.

The bill encourages a comprehensive river corridor management planning process involving state, local, and regional planning groups and private groups and individuals.

The bill requires state agencies to review those actions affecting rivers or streams protected under the chapter to assure consistency of action and continued protection of the rivers and streams.

The bill, as amended, establishes a rivers management advisory committee composed of the commissioner of environmental services and representatives of business, industry, public water supply, and environmental protection interests. The committee is to advise the commissioner on river protection matters, and vote on the addition of rivers to the protected list.

The bill, as amended, appropriates \$47,000 for the biennium to the department of environmental services for the program.

Amendment adopted.

Ordered to third reading.

SB 327-FN, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration. (A) Ought to Pass with Amendment.

This bill, as amended, removed the Social Security offset at age 65 for Group I members of the New Hampshire Retirement System. It also recalculates the pension at 1.5% times years of service at age 65. As amended by the Appropriations Committee, it also provides a COLA of up to 5% for those Group I retirees who would receive less than a 5% increase resulting from eliminating the Social Security offset. The bill is funded by a combination of utilizing funds from the Special Account, a one-time write up of assets within the system, and an increase in both the employee and employer contribution rates. Vote 16-0. Rep. John B. Hammond for Appropriations.

Amendment

Amend paragraph I of section 7 of the bill by replacing it with the following:

I. The benefit provisions of sections 1 through 5 of this act shall apply prospectively as of July 1, 1988, to all group I members, to former members entitled to deferred allowances, and to retired members and beneficiaries of the New Hampshire retirement system or its predecessor systems except teachers retired prior to July 1, 1957, whether retired before or after the effective date of this act. Such changes in benefits for retired members and beneficiaries shall not affect any supplementary or additional allowances granted under the provisions of RSA 100-A:37 through 42-b before the effective date of this act.

Amend subparagraphs I(b) and (c) of section 8 of the bill by replacing them with the following:

(b) \$83,000,000 attributable to group I members in the special account created by RSA 100-A:16, II(h); plus

(c) A one-time write-up of the valuation assets as of June 30, 1987 of \$52,000,000 for group I members, not including additional liabilities created by the provisions of this act; plus

Amend the bill by replacing section 9 with the following:

9 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 1989, is hereby appropriated to the New Hampshire retirement system from the New Hampshire retirement system administrative account for the purpose of the administration of this act by the board of trustees. This appropriation is in addition to any other funds appropriated to the New Hampshire retirement system.

Amend the bill by replacing section 12 with the following:

12 Group I Additional Allowance.

I. Effective July 1, 1988, if the recalculation of benefits under this act for any retired group I member of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1987, results in an increase of less than 5 percent of the member's current total retirement allowance, such a sum shall be added to the allowance so that the retired member shall receive a total increase equal to 5 percent. This additional allowance shall be in effect for the fiscal year ending June 30, 1989.

II. Funds for the provisions in paragraph I shall be funded from amounts in the special account created by RSA 100-A:16, II(h) attributable to group I members as of July 1, 1988.

13 Effective Date. This act shall take effect July 1, 1988.

AMENDED ANALYSIS

This bill eliminates the social security offset for group I benefits for all active and retired group I members.

Funding for the increased benefits comes from:

- (1) changing the group I employee contribution rate in RSA 100-A:16;
- (2) special account funds;
- (3) reducing the group I funding ratio by eliminating the social security offset; and
- (4) increasing employer contribution rates for employee members and teacher members, by eliminating the social security offset.

As amended, the bill changes the state annuity which a group I member receives with his member annuity upon service retirement, so that while prior to age 65, the state annuity equals 1/60 of the member's average final compensation multiplied by the number of years of creditable service, after the attainment of age 65, the percentage changes to 1/66 of the member's average final compensation.

As amended, the bill also changes the membership of the retirement system board of trustees.

As amended, the bill requires that if the recalculation of benefits under this bill for any retired group I member who retired prior to July 1, 1987, results in an increase of less than 5 percent of the member's current total retirement allowance, such a sum shall be added to the allowance so that the retired member shall receive a total increase equal to 5 percent. This additional allowance shall be in effect for the fiscal year ending June 30, 1989.

Reps. Hammond and Richard Campbell yielded to questions.

Rep. Kurk moved that further consideration of SB 327 be made a Special Order for Thursday, April 14, spoke to his motion and yielded to questions.

Rep. Gross spoke against the motion and yielded to questions.

Reps. Chambers and Palumbo spoke against the motion.

Motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

SB 330-FN, providing medical and health insurance coverage for retired firefighter and police New Hampshire retirement system members.

(A) Inexpedient to Legislate.

The provisions of this bill have been incorporated into SB 313-FN. Vote 17-0. Rep. Donna P. Sytek for Appropriations.

Resolution adopted.

SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Committee agrees with the policy statement in this bill, "The State of New Hampshire is committed to the development and maintenance of an educated and productive citizenry." The bill, as amended, expands the commitment of the state to literacy and is now a pro-education and pro-student bill.

The amendment retains the diagnostic screening program, however it removes language from the section which referred to the determination of an appropriate program of instruction for each child. That language could require development of an individual program for each child in our public schools, expanding costs to school districts and the state.

The literacy instruction section requires school districts, to the extent of state funding, to provide supplementary literacy instruction to students who are educationally disadvantaged. This extra help will aid those students considered to be at risk, to become more successful in school.

The dropout prevention section is unchanged. The youth employment provisions are removed by the amendment. Unfortunately, there were numerous conflicting references in the bill as passed by the House. The Committee tried to clear up this policy section of the bill, but there was no conclusive agreement on the original policy committee. The appropriation section of this bill was reduced to a total of \$300,000 based on the testimony of the Commissioner of Education. Since the literacy instruction section does not become effective until July 1, 1989, the Committee believes the future appropriations necessary to operate this program and the continuation of the screening and dropout prevention programs should be built into the Department of Education budget in the next session. Vote 11-8. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. The state of New Hampshire is committed to the development and maintenance of an educated and productive citizenry. To ensure this commitment, all persons should have an equal opportunity to acquire literacy, including basic reading, writing, speaking, listening, reasoning, and mathematics skills. The opportunity to access and acquire these skills should be provided through a variety of educational programs and methods to meet the different needs and abilities of children and youth. Special effort should be made to accommodate the literacy requirements of atypical or handicapped learners, and preventative measures should be taken to assure that students do not drop out of school.

2 New Subparagraph; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (u) the following new subparagraph:

(v) Administering the literacy education and dropout prevention program established in RSA 189:52-58.

3 New Subdivision; Literacy Instruction and Dropout Prevention. Amend RSA 189 by inserting after section 51 the following new subdivision:

Literacy Instruction and Dropout Prevention

189:52 Screening of Students. All school districts that provide elementary or secondary instruction are required to diagnostically screen to the extent of state funding all children upon their first entry to the school graded structure at kindergarten, first grade, or a higher grade level, unless previously diagnostically screened, to determine their levels of educational readiness.

189:53 Literacy Skill Development in Elementary Grades. All school districts which provide elementary education shall have instruction in literacy for all students through grade 3, including instruction in reading, writing, speaking, listening, reasoning, and mathematics. All instruction shall be designed to assist students to achieve literacy and to provide the opportunity for each child to learn according to his needs and his abilities as set forth by the state board of education in the minimum standards for New Hampshire public elementary schools.

189:54 Literacy Instruction.

I. All school districts shall, to the extent of state funding, provide supplementary literacy instruction for students through grade 12. Services shall be provided first to those who are determined to be most educationally disadvantaged. Services shall focus on instruction in reading, writing, speaking, listening, reasoning, and mathematics. Program emphasis shall include in:

(a) Primary grades, intensive development of literacy skills, based upon the individual child's literacy knowledge.

(b) Grades 4-8, remediation in literacy, accomplished through small group instruction and individualized remediation.

(c) Grades 9-12, intensive remediation in literacy, accomplished through prescriptive remediation in small group or individualized setting.

II. The costs for intensive literacy development in kindergarten through grade 3 for districts with kindergarten, and first grade through grade 3 for districts without kindergarten, and remediation in grades 4-11 shall be funded by the department of education. The department of education shall allocate funds among school districts based upon program plans submitted annually by the local school districts to the department of education, pursuant to paragraph IV of this section.

III. Programs for supplementary literacy instruction for students in primary through twelfth grades shall meet the following

criteria, and shall be included in an annual plan submitted to, and subject to the approval of, the department of education:

(a) Services shall be based on an annual assessment of need.

(b) Programs shall have performance objectives evaluated annually.

(c) Plans shall provide detail on the types of supplementary services they may require.

Programs shall be provided technical assistance and monitoring by the department of education to the extent possible. School districts shall maintain records on the above criteria and allow access to records by the department of education.

IV. Funds allocated for this program shall be used to supplement, not replace, existing instructional activities.

189:55 Dropout Prevention.

I. The department of education shall underwrite the costs of selected school district programs or services that address the academic, social, or personal needs of potential school dropouts. Proposals shall be funded through the office of dropout prevention.

II. Project proposals shall be selected and funds allocated through the office of dropout prevention at the discretion of the commissioner of education. These funds shall supplement, not replace, local, state or federal program funds expended for these purposes.

189:56 Advisory Council on Literacy and Dropout Prevention. There is established a state advisory council on literacy, dropout prevention, and youth employment. The council shall be composed of 11 members, 4 of whom shall be appointed by the governor; one of whom shall be a member of the house of representatives, appointed by the speaker; and one of whom shall be a member of the senate, appointed by the president of the senate. The members shall have demonstrated an interest or expertise in programs for literacy, dropout prevention and youth employment. The non-legislative membership shall include:

I. One teacher, appointed by the American Federation of Teachers;

II. One teacher, appointed by the National Education Association-New Hampshire;

III. One school board member, appointed by the New Hampshire School Board Association;

IV. One superintendent, appointed by the New Hampshire School Administrators' Association;

V. One principal, appointed by the New Hampshire School Principals' Association;

VI. One parent, appointed by the governor;

VII. One representative from labor, appointed by the governor;

VIII. One representative from business and industry appointed by the governor; and

IX. One member at large, appointed by the governor.

Members of the council shall be residents of this state and shall serve without compensation for 2-year terms. The function of the advisory council is to advise the governor, the general court, state board of education, and the commissioners of education and labor on matters pertaining to literacy, dropout prevention, and youth labor and employment. The advisory committee shall develop and submit a biennial report on literacy, dropout prevention, and youth employment to the governor, the president of the senate, the speaker of the house, the state board of education, the department of labor, and the commissioners of education and labor. The department of education shall provide administrative support for the council.

189:57 Coordination with Special Population Programs. Educational and youth employment programs serving special population students shall be coordinated with the requirements of this subdivision. All such coordinating efforts shall not exempt participating school districts or

public or private employers from meeting all requirements of state or federal laws.

189:58 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the procedures and guidelines necessary to effect the purposes of this subdivision.

4 Appropriation.

I. The sum of \$50,000 is appropriated to the department of education for the biennium ending June 30, 1989, for the purpose of initiating the screening program established in RSA 189:52, based upon a sum equal to projected entering enrollment multiplied by no less than \$15. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$250,000 is appropriated to the department of education for the biennium ending June 30, 1989, for the purpose of funding the dropout prevention programs referred to in RSA 189:55. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Committee Established; Duties. There is established a legislative study committee to examine the problems of illiteracy and dropout prevention. The duties of the committee shall be:

I. To study the use of driver's license eligibility as well as other devices to encourage literacy.

II. Assemble statewide data on dropouts, including:

(a) the number of dropouts in New Hampshire;

(b) the reasons given for dropping out;

(c) programs that have proven successful in treating the dropout problem.

III. To study and assess the relationship between the number of hours per week that a student works or participates in sports, and that student's academic achievement.

IV. Any other issues the committee deems germane to the purposes of this act.

6 Membership. The membership of the committee shall be:

I. Three members from the house of representatives, appointed by the speaker of the house.

II. Three members from the senate, appointed by the president of the senate.

7 Meetings; Chair. The first meeting of the committee shall be held no later than May 15th, 1988. The chair of the committee shall be chosen by the members at the first meeting.

8 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate, and the governor, before November 1, 1988.

9 Effective Date.

I. RSA 189:55, 189:56, and 189:58, as inserted by section 3 of this act, and section 4 of this act shall take effect 60 days after its passage.

II. Sections 5-8 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill institutes a program of comprehensive literacy screening and education in the areas of reading, writing, speaking, listening, reasoning and mathematics. The bill makes a nonlapsing appropriation of \$50,000 for the biennium to the department of education to fund the screening program.

The bill also provides for a state-supported dropout prevention program which would fund the costs of such programs on the local level.

This project would be funded by a nonlapsing appropriation of \$250,000 for the biennium to the department of education.

The bill establishes an advisory council on literacy and dropout prevention to advise the governor and other executives on matters relating to literacy, dropout prevention and youth employment.

The bill contains provisions for appeals of decisions made pursuant to the laws established in this bill.

The bill also establishes a legislative study committee to examine the problems of illiteracy and dropout prevention.

Rep. Walter Robinson spoke against the amendment.

Amendment adopted.

Ordered to third reading.

The Speaker called for the Special Order.

SB 275-A, relative to Skyhaven airport and making an appropriation therefor. Ought to Pass with Amendment.

This bill appropriates \$400,000 to the Department of Transportation for design and construction of additional hangar facilities at Skyhaven Airport. This revenue will be from a bond issue, and shall be a direct charge against Skyhaven hangar revenues. Vote 10-1.
Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to Skyhaven airport and making an appropriation therefor and establishing a study committee to examine the future air travel needs of New Hampshire and relative to the management of the Nashua Airport Authority.

Amend the bill by replacing section 3 with the following:

3 Study Committee Established; Duties. There is established a study committee to examine the air travel needs of the state of New Hampshire. The committee shall consist of 11 members, 3 of whom shall be from Manchester, as follows:

I. Three members of the house of representatives, appointed by the speaker.

II. Three members of the senate, appointed by the senate president.

III. The commissioner of transportation or his designee.

IV. The director of the division of aeronautics or his designee.

V. Two public members, one representing the business community, appointed by the governor.

VI. The director of the office of state planning or his designee.

4 Report. The committee shall submit its findings together with its recommendations to the speaker of the house, the president of the senate and the governor no later than December 1, 1988.

5 Compensation. Members of the study committee shall serve without compensation, except that members of the legislature shall receive mileage at the legislative rate.

6 Alternates Appointed. Amend 1961, 343:4 to read as follows:
343:4 Management.

I. The management of said corporation shall be vested in a board of five directors, to be appointed by the mayor and confirmed by the board of aldermen, one of whom shall be designated as chairman. Not

more than three of such members shall be of the same political party. One member shall be appointed originally for five years, a second for four years, a third for three years, a fourth for two years and a fifth for one year. Thereafter each appointment shall be for five years and a member shall serve until his successor shall have been appointed. All members shall serve without salary but they may be reimbursed for expenses incurred in the performance of their duties. The mayor and board of aldermen may at any time remove a director for inefficiency, neglect of duty or malfeasance in office; but no director shall be removed without a hearing, after notice in writing of the charges against him.

II. The mayor, with the confirmation of the board of aldermen, may appoint 3 alternate directors who may attend all meetings. An alternate director shall serve as a voting member only when a regular director is unable or unavailable to fulfill his duties. Not more than 2 of such alternate directors shall be of the same political party. The terms of the alternate directors shall be for 5 years; except that of the initial appointments, one alternate director shall serve for 3 years, one for 4 years and one for 5 years.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, appropriates \$400,000 to the department of transportation for the purpose of constructing additional hangar facilities at Skyhaven airport in Rochester, New Hampshire. Such appropriation shall be bonded and the payment of principal and interest shall be a direct charge against the Skyhaven hangar revenues.

This bill establishes a committee to study the future air travel needs of New Hampshire.

The bill, as amended, allows 3 alternate directors to be appointed to the board of the Nashua Airport Authority.

Rep. Pearson spoke against the amendment and yielded to questions.

Rep. Kidder spoke against the amendment.

Amendment lost.

Rep. Matson spoke in favor of the bill.

Rep. Douglas Hall spoke against the bill.

Rep. James Chandler spoke to the bill.

(Deputy Speaker Burns in the Chair)

Rep. LaMott requested a quorum count.

The Speaker declared a quorum present.

Rep. LaMott spoke in favor of the bill.

Rep. Palumbo moved the previous question. Sufficiently seconded. Adopted.

Ordered to third reading.

(Speaker in the Chair)

SB 341-FN-A, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor. Ought to Pass.

The bill appropriates \$35,000 to do as the title describes. Vote 15-2. Rep. Elizabeth Hager for Appropriations.

Ordered to third reading.

SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, changes the name "shared homes" in the RSAs to "residential care facilities" in order to more accurately describe them. It also gives them a 10% increase over their current rates and establishes that as of November 1, 1988 their rates will be set by the State Division of Human Services rather than by the Legislature. Vote 18-1. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Standard of Need For Residential Care Facilities. Amend RSA 167:3-c by inserting after paragraph II-a the following new paragraph:

II-b. The standard of need for residential care facilities under RSA 167:7, I-a no later than November 1, 1988, and on an annual basis thereafter.

2 Name Change From Shared Homes to Residential Care Facilities. Amend the following RSA sections and paragraphs by replacing "shared homes" or "shared home" with "residential care facilities" or "residential care facility" as the context requires: RSA 161:2, IV-a; 161:2, XII-a; 161:4, III; 166:8; 167:7, I-a; 167:27-b; and 464-A:2.

3 Increase In Standard of Need. Notwithstanding RSA 167:7, I-a, the standard of need for residents of residential care facilities shall be increased by 10 percent.

4 Supplemental Appropriation. The sum of \$70,592 for the fiscal year ending June 30, 1988, and the sum of \$423,553 for the fiscal year ending June 30, 1989, are hereby appropriated to the division of human services, department of health and human services, for the purposes of providing a 10 percent cost of living increase in the standard of need for residents of residential care facilities. This appropriation is in addition to any other funds appropriated to the division of human services and shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, provides for a 10 percent increase in the standard of need for residents of residential care facilities. It also requires the director of the division of human services to adopt rules regarding standard of need for residential care facilities under RSA 167:7, I-a no later than November 1, 1988, and on an annual basis thereafter.

The bill appropriates a total of \$494,145 for the biennium ending June 30, 1989, to the division of human services, department of health and human services, to carry out the purposes of the bill.

The bill also changes the name of shared homes to residential care facilities.

Amendment adopted.

Rep. Hager yielded to questions.

Ordered to third reading.

SB 355-FN-A, appropriating additional sweepstakes revenues for foundation aid. Ought to Pass with Amendment.

This bill returns \$12 Million of excess Sweepstakes revenue to the school districts. The amendment assures that the money shall be spent for educational purposes and not just used automatically this October to reduce the tax rate. The amendment also requires a

special or annual school district meeting before the money can be spent. Vote 18-1. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend 1987, 400:1.06, 03, 02, 04, 01, class 96, as inserted by section 1 of the bill by replacing it with the following:

96 Sweepstakes Distribution	G	25,000,000	27,300,000
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Amend the bill by replacing section 3 with the following:

3 Additional Distribution; Effect on Tax Rates; School District Expenditure Authorized.

I. The increase in the sweepstakes distribution for fiscal year 1988 made by section 1 of this act shall be distributed according to the formula under RSA 198:29 in effect for fiscal year 1988 under the provisions of 1985, 244:12, II(b). Notwithstanding the provisions of RSA 198:31, the payment of such increase shall be made not earlier than July 1, 1988, but not later than July 31, 1988.

II. Notwithstanding any other provision of law or administrative rule to the contrary, the department of revenue administration shall not consider the increase in sweepstakes distribution made by section 1 of this act, received during fiscal year 1989 by any school district, as available revenue for purposes of establishing county, city, town, or school district tax rates.

III. The increased sweepstakes distribution made by section 1 of this act shall be available for expenditure only if such expenditure is approved at a special or annual school meeting as prescribed in RSA 197 and RSA 32; provided, however, that, for the purpose of expending the increased sweepstakes distribution only, the provisions of RSA 197:3 requiring a ballot vote by at least 1/2 of the number of voters entitled to vote at the most recent regular school district meeting and requiring the school board to petition the superior court for permission to hold a special school district meeting with the same authority as an annual school district meeting shall not apply.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, increases the sweepstakes distribution appropriated for foundation aid for the current biennium by \$6,000,000 for each fiscal year, makes the appropriation nontransferable and nonlapsing, and adjusts the estimated sweepstakes revenue accordingly. The bill also eliminates the footnote on sweepstakes fund appropriation allocation from the foundation aid PAU.

The bill, as amended, requires the additional distribution for fiscal year 1988 to be made between July 1, 1988, and July 31, 1988, using the 1988 foundation aid formula. The additional distribution may not be considered by the department of revenue administration as available revenue for establishing tax rates. The bill also specifies that the additional sweepstakes distribution may be expended by school districts only after approval at a special or annual school district meeting. School districts will not be required to petition the superior court to hold such a special meeting, nor will the usual special meeting restrictions apply relating to numbers of ballots.

Rep. Hager yielded to questions.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(5) Policy committees report all money bills, House Rule 67(b)(7) House action on all bills and Joint Rule 10(a) final action on all bills in the originating body be suspended on HB 1207-FN-A, relative to certain consultants to the consumer advocate and making an appropriation therefor.

A roll call was requested. Sufficiently seconded.

YEAS 187 NAYS 146
YEAS 187

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Maviglio, Randall, Lawrence Richardson, Thurston and Vogler.

CARROLL: Olimpio and Powers.

CHESHIRE: Clark, Cole, Corrigan, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Foster, Irvin Gordon, Hunt, LaMar, Matson, Miller, Morse, William Riley, Sawyer and Schwartz.

COOS: Harold Burns, Horton, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Chambers, Copenhaver, Densmore, Wayne King, LaMott, Lougee, Stewart, Wadsworth, Ward and Weymouth.

HILLSBOROUGH: Baker, Baldizar, Lionel Boucher, Bourque, Burkush, A. Leslie Burns, Champagne, Cid, Cote, Daigle, Ann Derosier, William Desrosiers, Dube, Ducharme, Dwyer, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Guilbert, Gureckis, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Robert Kelley, Lanzara, Leclerc, Lefebvre, Lown, Lozeau, Bonnie McCann, McGlynn, Moore, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Soucy, Steiner, Stiles, Sullivan and Turgeon.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, James Chandler, Dunn, Fillion, George E. Gordon, Hager, Douglas Hall, Mary Holmes, Alf Jacobson, Burton Knight, Phelps, Rehlander, Doris Riley, Walter Robinson, Stio, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Benton, Blanchette, Eunice Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Ellyson, Felch, John Flanders, BeverlyGage, Thomas Gage, Gourdeau, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Lovejoy, Magoon, McGovern, McKinney, Merchant, Newell, Palumbo, Parr, Pevear, Popov, Read, Ritzo, Sanderson, Schwaner, Sherburne, Skinner, Splaine, Sytek, Tilton, Tufts and Walker.

STRAFFORD: Bates, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Laurion, William McCann, Musler, Pelley, Francis Robinson, Spear, Ralph Torr and John Young.

SULLIVAN: Cutting, Domini, Krueger, Normandin, Spaulding and Sara Townsend.

NAYS 146

BELKNAP: Hardy, Holbrook, Jensen, Locke, Pearson, Turner and Wixson.

CARROLL: Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Schofield.

CHESHIRE: Delano, Grodin, Parker, Perry, Pierce and David Young.

COOS: Brady, Brungot, Frederic Foss, Guay, Marsh and Purrington.

GRAFTON: Bennett, Blair, Christy, Driscoll, Guest, Hammond, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Beaupre, Bowers, Chretien, Cowenhoven, Cusson, Gerard Desrochers, William Dion, Domaingue, Donovan, Drolet, Dykstra, Clyde Eaton, Fields, Granger, Scott Green, Grip, Humphrey, Keefe, Alice Knight, Kurk, Levesque, Long, Mason, McRae, Messier, Pappas, Paquette, Pariseau, Perham, Rodgers, Routhier, Sallada, Schneiderat, Stonner, Tarpley, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Fraser, Gilbreth, Hayes, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Provencal, Gerald Smith and West.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, William Boucher, Butler, Drake, Fesh, Flanagan, Harry Flanders, Bert Ford, Elizabeth Greene, Haynes, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Malcolm, William F. McCain, Rosencrantz, Schmidtchen, Seward, Simon, Sochalski, Vaughn, Warburton, Welch, Wells and Wright.

STRAFFORD: Chamberlin, Dingle, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Koromilas, Lussier, Proulx, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Flint, Lindblade, Peyron, Rodeschin and Schotanus, and the motion lost lacking the necessary two-thirds.

Rep. Gross abstained from voting under Rule 16.

SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor. Ought to Pass.

This bill increases bonding authorization by \$6 Million for construction of a regional vocational education center. This is needed to complete the third part of a three part center. Vote 11-0. Rep. Susan Schwartz for Appropriations.

Rep. LaMott offered an amendment.

Amendment

Amend RSA 188-E:10 as inserted by section 2 of the bill by replacing it with the following:

188-E:10 Construction Appropriation. The treasurer of the state of New Hampshire is hereby authorized to make available to the state board of education for purposes of constructing regional vocational education centers an amount not to exceed [\$51,500,000] **\$57,500,000. This appropriation shall be nonlapsing.** Authorization for expenditures of such funds shall be made by the state department of education to the treasurer in accordance with this chapter. The treasurer is authorized to issue bonds in accordance with the provisions of RSA 6-A for the purpose of funding this appropriation.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, as amended, increases bonding authorization by \$6,000,000 for the construction of regional vocation education centers, and makes the appropriation for such construction nonlapsing.

Rep. LaMott explained the amendment.

Amendment adopted.

Ordered to third reading.

SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor. (A) Ought to Pass.

This bill is extremely important to the state as it allows elderly people to remain in their homes. The appropriation is unchanged from the original bill at \$510,000. Vote 14-0. Rep. Elizabeth Hager for Appropriations.

Rep. Parks offered an amendment and withdrew his amendment.

Ordered to third reading.

SENATE MESSAGE
REQUESTS CONCURRENCE WITH AMENDMENT

HB 917, making technical changes for the department of revenue administration. (Amendments printed SJ 3/31)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, William McCain, Hayes and Rosencrantz.

Reps. Mason and Stewart offered the following:

HOUSE RESOLUTION NO. 76

commending the boys' varsity basketball team
of Lin-Wood High School.

WHEREAS, in mid-March of 1988, the boys' varsity basketball team of Lin-Wood High School defeated Moultonborough High School, 41-40, to win, for the first time in the school's twenty-four-year history, the Class S Championship and

WHEREAS, the victory was tenaciously achieved after four overtime periods and boosted Lin-Wood's season record to twenty wins against only one loss, and

WHEREAS, in order to gain the prestigious Class S title for the first time, the newly-crowned champions of Lin-Wood High School had to overcome the burden of being seeded third in the State Tournament, and

WHEREAS, in the quarterfinal round of the State Tournament, Lin-Wood High School defeated Orford High School by seven points, and in the semifinal round defeated Epping High School by five points, and

WHEREAS, the 1988 team of champions was capably guided by Head Coach Richard Massimilla and Assistant Coach Buddy Bourassa, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity basketball team of Lin-Wood High School be publicly recognized and applauded for winning the 1988 Class S Championship, and be it further

RESOLVED, that the players and coaches receive highest praise for the hard work and dedication that made them champions, and that a suitable

copy of this Resolution be prepared for presentation to Lin-Wood High School.

Unanimously adopted.

Rep. Scamman, for the entire membership offered the following:

HOUSE RESOLUTION NO. 80

honoring the Town of Exeter on its 350th anniversary.

WHEREAS, on the third day of April, in the Year of Our Lord, Sixteen Hundred and Thirty-Eight, the Town of Exeter was founded by the Reverend John Wheelwright and others on a parcel of land purchased from the Piskatoquaque Indians, and

WHEREAS, in the following year, on the fourth day of July, the Reverend John Wheelwright and thirty others signed the Exeter Combination, thus establishing a free and independent colony, and

WHEREAS, in Seventeen Hundred and Thirty-Four, in Exeter did occur the Mast Tree Riot, which was the very first colonial rebellion against the tax collectors of the English King, and

WHEREAS, during this country's Revolutionary Period, the Town of Exeter served as New Hampshire's capital and was the site of the first written State Constitution, signed on the fourth day of January, Seventeen Hundred and Seventy-Six, and

WHEREAS, in Eighteen Hundred and Fifty-Three, at a meeting in the Town of Exeter, the Honorable Amos Tuck gave the Republican Party its enduring name, and

WHEREAS, throughout its illustrious history as one of New Hampshire's finest communities, the Town of Exeter has had many famous sons and daughters, including Lewis Cass, secretary of War under President Andrew Jackson; Charles H. Bell, Governor and noted historian; and Daniel Chester French, sculptor and creator of the Lincoln Memorial in Washington, D.C., now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Town of Exeter, on this occasion marking its 350th birthday, be saluted and applauded for its major role in American and New Hampshire history, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to the Town Fathers of Exeter.

Adopted unanimously.

Reps. Spear and Weymouth offered the following:

HOUSE RESOLUTION NO. 81

memorializing former State Representative Wilfred B. Osgood of Farmington.

WHEREAS, we have learned with great sorrow of the death of former State Representative Wilfred B. Osgood, who for the two bienniums between 1975 and 1978 served as an honorable member of the New Hampshire House, and

WHEREAS, during his two terms as an elected Representative, Wilfred B. Osgood sat as an esteemed member of the Standing Committees on Health and Welfare, and Resources, Recreation and Development, and

WHEREAS, having been born in Haverhill, Massachusetts, Wilfred B. Osgood settled in Farmington in 1928, later serving many years as a member of the Town Budget Committee and as President of the Farmington Industrial Development Corporation, and

WHEREAS, Wilfred B. Osgood additionally served the community as President and trustee of the Farmington Library, and

WHEREAS, having graduated in 1952 from the Massachusetts College of Pharmacy, Wilfred B. Osgood served as President of the New Hampshire Pharmaceutical Association, and as a member of the New Hampshire Commission on Pharmacy and the New Hampshire Board of Health, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Wilfred B. Osgood receive highest recognition and praise for his service as a State legislator and as a leader in the community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

ENROLLED BILLS REPORT

HB 330, relative to an exception to the real estate transfer tax and to return of recovered property.

HB 480, recodifying the county corrections laws.

HB 611, relative to administrative forfeiture of certain items used in connection with drug offenses.

HB 777, relative to real estate appraisals conducted by banks and other lending institutions for loan applicants.

HB 884, relative to payment of rent by tenants.

HB 899, allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor.

HB 1048, relative to health care benefits for retired employees of political subdivisions.

HB 1151, relative to licensing pharmacists.

HB 1152, changing the name of the Laconia state school and training center.

HB 1190, relative to the Belknap county attorney.

HB 1193, relative to chiropractic and making an appropriation therefor.

SB 242, directing the state treasurer to loan funds to the towns of Exeter and Monroe for construction of sewage treatment facilities.

SB 255, relative to school district boundaries.

SB 267, relative to child passenger restraints in motor vehicles.

SB 276, relative to the delivery of services to children and their families, the division of children and youth services, and making an appropriation therefor.

SB 288, relative to placing articles on the official ballot and to declarations of candidacy in towns which have adopted the non-partisan ballot system.

SB 300, establishing a committee to study all aspects of laws, rules and practices relative to materials used in the construction of highways.

SB 319, relative to cancellation or termination of insurance policies.

SB 344, relative to the consignment of artworks.

HB 749, permitting persons qualified to hunt from motor vehicles to hunt from OHRVs and ATVs.

HB 790, relative to the public investments study committee.

HB 843, appropriating funds for the Northeast Rural Water Association for equipment, technical assistance and training to rural water systems.

HB 883, relative to resident and nonresident wholesale marine species licenses.

HB 893, making a supplemental appropriation to the fish and game department.

HB 947, relative to school system pupil registration information.

HB 1016, relative to municipal borrowing due to certain bankruptcies.

HB 1053, establishing the position of chief boiler inspector.

HB 1091, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and making an appropriation therefor.

HB 1192, establishing a task force to study long term care insurance for the elderly.

HB 1178, relative to counting absentee ballots before the polls close.

SB 238, relative to bail reform.

SB 293, relative to asbestos management.

Rep. Elizabeth Hager

Sen. John P.H. Chandler

For the Committee.

Rep. Harold Burns addressed the House briefly on Rule changes.

RECONSIDERATION

Rep. Guest moved that the House reconsider its action whereby it did not suspend the rules to consider, after the deadlines, HB 1207, relative to certain consultants to the consumer advocate and making an appropriation therefor.

Reps. Chambers and Sara Townsend spoke in favor of the motion.

On a voice vote the Speaker was in doubt and requested a division.

206 members having voted in the affirmative and 127 in the negative, reconsideration prevailed.

Rep. Gross abstained from voting under Rule 16.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 67(b)(5) Policy committees report all money bills, House Rule 67(b)(7) House action on all bills and Joint Rule 10(a) final action on all bills in the originating body be suspended on HB 1207-FN-A, relative to certain consultants to the consumer advocate and making an appropriation therefor.

Rep. Parr spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS	208	NAYS	127
YEAS	208		

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Maviglio, Randall, Lawrence Richardson, Thurston and Wixson.

CARROLL: Kenneth MacDonald, Olimpio and Powers.

CHESHIRE: Clark, Cole, Corrigan, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Irvin Gordon, Hunt, LaMar, Matson, Miller, Morse, Parker, William Riley, Sawyer and Schwartz.

COOS: Harold Burns, Guay, Horton, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Chambers, Copenhagen, Densmore, Guest, Wayne King, LaMott, Lougee, Wadsworth, Ward and Weymouth.

HILLSBOROUGH: Baker, Baldizar, Bourque, Burkush, A. Leslie Burns, Champagne, Cid, Cote, Cox, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Donovan, Dube, Ducharme, Dwyer, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Guilbert, Gureckis, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Robert Kelley, Lanzara, Leclerc, Lefebvre, Long, Lown, Lozeau, McGlynn, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Pariseau, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Leonard Smith, Soucy, Stiles, Sullivan, Tarpley and Turgeon.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Dunn, Fillion, George E. Gordon, Hager, Douglas Hall, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Manu, Millard, Phelps, Provencal, Rehlander, Doris Riley, Walter Robinson, Stio, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Benton, Blanchette, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Cushing, John Flanders, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Klemarczyk, Lovejoy, Mace, McGovern, McKinney, Merchant, Newell, Palumbo, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Sherburne, Skinner, Sytek, Tilton, Tufts, Vaughn, Walker, Weddle and Wells.

STRAFFORD: Bates, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Martling, William McCann, Musler, Parks, Pelley, Francis Robinson, Spear, Ralph Torr, Wall and John Young.

SULLIVAN: Brodeur, Domini, Normandin, Spaulding and Sara Townsend.

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BELKNAP: Holbrook, Jensen, Locke, Pearson, Turner and Vogler.

CARROLL: Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell and Schofield.

CHESHIRE: Delano, Foster, Grodin, Perry, Pierce and David Young.

COOS: Brady, Brungot, Frederic Foss, Marsh and Purrington.

GRAFTON: Adams, Bennett, Blair, Christy, Driscoll, Hammond, Ezra Mann, Rounds, Scanlan, Stewart, Howard Townsend and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Beaupre, Lionel Boucher, Boutwell, Bowers, Chretien, Cowenhoven, Cusson, Domaingue, Drolet, Dykstra, Clyde Eaton, Granger, Scott Green, Grip, Humphrey, Keefe, Alice Knight, Kurk, Levesque, Mason, Bonnie McCann, McRae, Paquette, Perham, Rodgers, Sallada, Schneiderat, Steiner, Stonner, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Fraser, Gilbreth, Hayes, Lewis, Lockwood, Nichols and West.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Bert Ford, Haynes, Roger King, Maurice MacDonald, Magoon, Malcolm, William F. McCain, Schmidtchen, Seward, Simon, Sochalski, Splaine, Warburton, Welch and Wright.

STRAFFORD: Appleby, Chamberlin, Dingle, Patricia Foss, Frechette, Jean, Robert Jones, Lussier, Proulx, Swope, Ann Torr and Wilson.

SULLIVAN: Behrens, Cutting, Flint, Krueger, Lindblade, Peyron, Rodeschin and Schotanus, and the motion lost lacking the necessary two-thirds.

Rep. Gross abstained from voting under Rule 16.

RECONSIDERATION

Rep. Healy moved that the House reconsider its action whereby it ordered HB 1206, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor, to third reading, and spoke to his motion.

Rep. Murphy spoke to the motion.

Rep. Healy withdrew his motion.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 14 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor.

SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor.

SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor.

SB 298-A, relative to student housing at the New Hampshire technical institute and making an appropriation therefor.

SB 315-FN, relative to the personnel appeals board.

SB 322-FN-A, relative to petroleum pollution cleanup.

SB 331-FN, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services.

HB 1205-FN-A, establishing a low and moderate income housing loan program and making an appropriation therefor.

HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor.

SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor.

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements.

SB 275-A, relative to Skyhaven airport and making an appropriation therefor.

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula.

SB 294-FN, relative to the catastrophic aid formula, and making a supplemental appropriation therefor.

SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike.

SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct.

SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

SB 305-FN, relative to pari-mutuel pools at dog races.

SB 307-FN, relative to retirement pay for judges, to vested rights in judicial retirement compensation, and to the committee on judicial conduct.

SB 313-FN, providing a cost of living increase for New Hampshire retirement system group II members.

SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness.

SB 326-FN-A, establishing a New Hampshire rivers management and protection program and making an appropriation therefor.

SB 327-FN, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration.

SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor.

SB 341-FN-A, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor.

SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor.

SB 355-FN-A, appropriating additional sweepstakes revenues for foundation aid.

Rep. Harold Burhs moved that the House stand in recess for the purpose of Enrolling Reports and appointment of Committee of Conference conferees only.

Adopted.

The House recessed at 4:02 p.m.

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Joseph Eaton moved that the House adjourn.

Adopted.

HOUSE JOURNAL 19

Thursday, 14Apr88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by guest Chaplain, Rep. Blacketor.

Dear Heavenly Father, on this occasion we beseech Thy blessing. Grant unto this assembly the wisdom to conduct the business of state in a manner acceptable and according to the best interests of the people of New Hampshire.

We invoke Thy blessing upon the Governor, Speaker of the House and others who are in positions of leadership that they, individually and collectively, will act in accordance of Thy Divine precepts. This is our humble request. Amen.

Rep. Fesh led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Pierce, Frink, Ducharme, McManus, McKee, Corrigan, Lawrence Chase, McIntire, Manus, Provencal, Korcoulis and Zajdel, the day, illness.

Reps. Rounds, Wilson, LaMar, Hatch, Donna Kelly, Lemire, Prestipino, Michael Jones, Marilyn Campbell, Parr, Doucette, Beaton, Bennett, Magee, Chretien, Beaupre, Healy, Schwaner, Mulligan, Stonner, Brady and Torr, the day, important business.

Reps. Lindblade, Gosselin, Wood, Joseph MacDonald, Hynes and Bernard, the day, illness in the family.

INTRODUCTION OF GUESTS

4th grade students and their teachers from the Golden Brook School in Windham, guests of Reps. Skinner, Mace and Scott.

Deputy Speaker Burns introduced members of the Girls' Varsity Basketball Team from Mascoma Valley Regional High School.

Reps. Christy, Hammond and Scanlan offered the following:

HOUSE RESOLUTION NO. 79

commending the girls' varsity basketball team
of Mascoma Valley Regional High School.

WHEREAS, on February 26, 1988, the girls' varsity basketball team of Mascoma Valley Regional High School won the State Class M Championship by defeating Newfound High School, 58-53, and

WHEREAS, the victory marked the first time in the history of Mascoma Valley Regional High School that the girls' varsity basketball team has been crowned State Class M Champion, and

WHEREAS, the victory extended the team's overall record to twenty wins against only four losses, and

WHEREAS, in order to reach the final round of the tournament, Mascoma Valley Regional High School first had to defeat Woodsville, then Newport and Gilford, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Michael Eno and Assistant Coach Jean Sullivan, and led by Co-Captains Jen Carter and Stephanie Marion, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the girls' varsity basketball team of Mascoma Valley Regional High School be publicly recognized and applauded for winning the 1988 Class M Championship, and be it further

RESOLVED, that the players and coaches receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Mascoma Valley Regional High School.

Unanimously adopted.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 743, relative to security deposits on rental property.
(Amendment printed SJ 4/12)

Rep. Parker moved that the House concur.
Adopted.

HB 812, relative to mutual savings banks. (Amendment printed SJ 4/12)

Rep. Fraser moved that the House concur.
Adopted.

HB 850, exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond. (Amendment printed SJ 4/12)

Rep. Fraser moved that the House concur.
Rep. Bardsley spoke against the motion and yielded to questions.
Reps. Fraser, Phelps and Rodgers spoke in favor of the motion.
Rep. Elizabeth Greene spoke in favor of the motion and yielded to questions.
Rep. Hoar spoke against the motion.
A roll call was requested. Sufficiently seconded.

YEAS 148 NAYS 138
YEAS 148

BELKNAP: Bolduc, Bowler, Golden, Hardy and Pearson.

CARROLL: Kenneth MacDonald, Olimpio and Saunders.

CHESHIRE: Jesse Davis, Delano, Irvin Gordon, Grodin, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brungot, Frederic Foss, Guay, Horton, Kilbride, Marsh, Oleson, Purrington and Theriault.

GRAFTON: Christy, Driscoll, Guest, Ezra Mann, McAvoy, Scanlan, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baker, William Desrosiers, William Dion, Donovan, Drolet, Dwyer, Clyde Eaton, Frank, Genest, Granger, Grip, Guilbert, Gureckis, Humphrey, Chris Jacobson, Cornelius Keane, Robert Kelley, Kurk, Lanzara, Levesque, Long, Mason, McGlynn, Morrisette, Packard, Perham, Rodgers, Sallada, Schneiderat, Stiles, Sullivan, Tarpley, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Laurent Boucher, Fraser, Gross, Hayes, Kidder, Lockwood, Millard, Nichols, Pantzer, Phelps, Gerald Smith, Stio and West.

ROCKINGHAM: Carl Anderson, Barnes, William Boucher, Eunice Campbell, Carpenito, Cooke, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Palumbo, Ritzo, Schmidtchen, Seward, Simon, Skinner, Sytek, Tilton, Tufts, Walker, Warburton and Welch.

STRAFFORD: Appleby, Bates, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kinney, Lussier, Martling, Musler and Ann Torr.

SULLIVAN: Behrens, Domini, Flint, Krueger, Normandin, Rodeschin, Schotanus and Spaulding.

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BELKNAP: Richard Campbell, Malcolm Harrington, Holbrook, Jensen, Maviglio, Lawrence Richardson, Turner and Vogler.

CARROLL: Allard, Russell Chase, Dickinson, Powers and Schofield.

CHESHIRE: Clark, Daschbach, Daniel Eaton, Foster, Hunt, Matson, Miller, William Riley and Schwartz.

COOS: Mayhew and Nelson.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Copenhagen, Densmore, Hammond, Wayne King, Lougee, Stewart and Wadsworth.

HILLSBOROUGH: Alukonis, Baldizar, Bourque, Boutwell, Bowers, Burkush, A. Leslie Burns, Cid, Cote, Cowenhoven, Cox, Daigle, Ann Derosier, Gerard Desrochers, Domaingue, Dube, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Gagnon, Scott Green, Betty Hall, Marian Harrington, Holden, Keefe, Alice Knight, Lefebvre, Lown, Lozeau, Bonnie McCann, McRae, Messier, Moore, Robert Murphy, O'Rourke, Pariseau, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Leonard Smith, Soucy, Turgeon, Wagner and Ware.

MERRIMACK: Bardsley, James Chandler, Dunn, Fillion, Gilbreth, Hager, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Rehlander, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Butler, Conroy, Cressy, Cushing, Drake, Hoar, Hollingworth, Joyce, Lovejoy, McGovern, Merchant, Newell, Pevear, Popov, Read, Rosencrantz, Sanderson, Sherburne, Splaine, Vaughn and Wells.

STRAFFORD: Chamberlin, Dingle, Frechette, Jean, Sandra Keans, Koromilas, Laurion, William McCann, Pelley, Francis Robinson, Spear, Swope, Wall and John Young.

SULLIVAN: Brodeur, Cutting and Sara Townsend, and the motion was adopted.

HB 876, relative to restricting water skiing in certain coves on Squam Lake. (Amendment printed SJ 4/12)

Rep. Irvin Gordon moved that the House concur.
Adopted.

HB 880, relative to certification of water quality laboratories. (Amendment printed SJ 4/12)

Rep. Dickinson moved that the House concur.
Adopted.

HB 887, relative to the jurisdiction of marine patrol officers. (Amendment printed SJ 4/12)

Rep. Irvin Gordon moved that the House concur.
Adopted.

HB 1000-FN-A, relative to the Christa McAuliffe memorial and making an appropriation therefor. (Amendment printed SJ 4/12)

Rep. Pearson moved that the House concur.
Adopted.

HB 1041-FN-A, establishing a committee to study and develop a plan for the protection of the Upper Ammonoosuc river watershed. (Amendment printed SJ 4/12)

Rep. Dickinson moved that the House concur.
Adopted.

CONFEREES CHANGES

SB 317 - Rep. McIntire off; Rep. Brungot on
HB 734 - Rep. Stonner off; Rep. Koromilas on

SENATE MESSAGES CONCURRENCE

HB 772, providing for the classification of lake Wentworth.

HB 959, relative to the future energy supply needs of New Hampshire.

HB 827-FN, relative to health screening for members of the general court.

HCR 13, relative to adjustment of the shelter deduction permitted under the food stamp program.

HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor.

HCR 15, urging Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees.

NONCONCURRENCE

HB 944, enabling towns to hold special meetings to appropriate money for the purchase of land for conservation purposes.

HB 1014, prohibiting ski craft on Nubanusett lake and Spoonwood pond in the towns of Nelson and Hancock.

HB 1023, prohibiting the use of ski craft on Silver lake in the town of Harrisville.

HB 1075-FN, relative to the use of ski craft on the lakes and ponds of the state.

HB 890-FN, relative to permits and responsibility for dams.

HB 1028-FN, relative to the water resources statutes.

HB 1142-FN-A, relative to the construction of certain water treatment projects and making an appropriation therefor.

HB 1198, relative to work programs for individuals in need of municipal assistance.

HB 889-FN, requiring all new statutes to be written in gender-neutral form.

HB 1078-FN, relative to cosmetologists and pedicurists.

HB 875-FN, establishing a committee to study employment conditions at human services care providers contracting with the state.

REFERRED FOR INTERIM STUDY

HB 783, relative to grandparents visitation rights.

HB 991-FN, relative to dental benefits for persons receiving medical assistance.

(Speaker in the Chair)

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 811-FN-A, establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders and making an appropriation therefor.

Reps. Robert Jones and Kidder moved that the House concur.
Adopted.

HB 853-FN, exempting the WIC program from state indirect cost rate requirements. (Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 1182-FN, relative to rate-setting for children's services, and establishing a committee to study rate-setting for health and human services, children, youth and elderly, and education. (Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 606-FN, relative to the lock-up of children. (Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 1133-FN, relative to home rule and municipal charters.
(Amendment printed SJ 4/14)

Rep. Ezra Mann moved that the House concur.
Adopted.

HB 1115-FN-A, relative to emergency management expenditures.
(Amendment printed SJ 4/14)

Rep. Kidder moved that the House concur.
Adopted.

HB 945, relative to the administrative procedure act. (Amendment printed SJ 4/14)

Rep. Robert Kelley moved that the House concur.
Adopted.

HB 996-A, relative to the state's purchase of the Hillsborough county courthouse and making an appropriation therefor, and relative to asbestos removal in the courthouse. (Amendment printed SJ 4/12)

Rep. Pearson moved that the House concur.
Adopted.

HB 845-FN, relative to the department of corrections, allowing psychologists to conduct examinations for purposes of nonemergency involuntary admissions and making an appropriation to the department of corrections. (Amendment printed SJ 4/14)

Reps. Kidder and Alf Jacobson moved that the House concur.
Adopted.

Rep. Phelps moved that the Majority Leader, Rep. Palumbo, be excused to go to the hospital for the birth of his baby.
Adopted.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 12, recodifying the workers' compensation law.
The President appointed Sens. Delahunty, Charbonneau and Blaisdell.

HB 401, relative to video tape depositions.
The President appointed Sens. Podles, White and Nelson.

HB 551, establishing a study committee relative to computer-based public records.
The President appointed Sens. Podles, Preston and Dupont.

HB 734, relative to posting of bond by administrators of estates.
The President appointed Sens. Pressly, Charbonneau and Johnson.

HB 818, relative to the taking of trout.
The President appointed Sens. Hounsell, Krasker and McLane.

HB 820, relative to the hunter education program and bow and arrow licenses.
The President appointed Sens. Hounsell, Freese and Preston.

HB 832, establishing a 10-year bridge construction and reconstruction plan.
The President appointed Sens. Torr, Hounsell and Preston.

HB 842, establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places.
The President appointed Sens. St. Jean, Dupont and Bond.

HB 858, relative to fetal alcohol syndrome.
The President appointed Sens. Krasker, White and Bond.

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.
The President appointed Sens. Hounsell, St. Jean and Freese.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.

The President appointed Sens. St. Jean, Podles and Bartlett.

HB 978, legalizing certain town meetings and zoning board of adjustment proceedings.

The President appointed Sens. Pressly, Charbonneau and Heath.

HB 980, relative to penalties for sewage treatment violations.

The President appointed Sens. Hounsell, St. Jean and Freese.

HB 1067, relative to the penalty for an aggravated DWI offense.

The President appointed Sens. Podles, White and Preston.

HB 1080, relative to nongame species and making a continuing appropriation therefor.

The President appointed Sens. Hounsell, Krasker and Heath.

HB 1093, relative to reporting requirements of corporations having securities registered in this state.

The President appointed Sens. Dupont, Stephen and Charbonneau.

HB 1109, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor.

The President appointed Sens. Torr, White and Krasker.

HB 1144, relative to civil penalties for violations by public utilities.

The President appointed Sens. Podles, White and Nelson.

HB 1146, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer.

The President appointed Sens. St. Jean, Dupont and Preston.

HB 1150, permitting the attorney general to hire part-time attorneys general.

The President appointed Sens. St. Jean, Bartlett and Podles.

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation.

The President appointed Sens. Freese, Disnard and Delahunty.

HB 1167, relative to elderly property tax credits.

The President appointed Sens. Roberge, Blaisdell and Chandler.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1163-FN-A, relative to nursing home care costs paid by counties. (Amendment printed SJ 4/14)

Reps. Sochalski and Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Schotanus, Beverly Gage, Densmore and Bates.

HB 1137-FN, relative to reports required by the setting of tax rates for municipalities, counties, and school districts. (Amendment printed SJ 4/14)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Golden, Normandin and Ruth Gage.

HB 1081-FN, naming a part of route 111 in the town of Windham the Waterhouse Memorial Road. (Amendment printed SJ 4/12)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference and yielded to questions.

Rep. Skinner explained the amendment.

Rep. James Chandler requested a quorum count.

The Speaker declared a quorum present.

Reps. James Chandler and Bates spoke in favor of the motion.

A division was requested.

240 members having voted in the affirmative and 53 in the negative, the motion was adopted.

The Speaker appointed Reps. Pearson, Palumbo, Skinner and Chris Jacobson.

RECONSIDERATION

Rep. Hager moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 606, relative to the lock-up of children.

Motion adopted.

Rep. Robert Jones withdrew his motion whereby he moved that the House concur with the Senate amendment to HB 606, and moved that the House nonconcur with the Senate amendment and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Jones, Emma Wheeler, Ellen-Ann Robinson and Hager.

HB 758-FN, establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility. (Amendment printed SJ 4/12)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emma Wheeler, Rodeschin, Lockwood and Pignatelli.

HB 821, legalizing certain town meetings and hearings. (Amendment printed SJ 4/12)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Brungot, Ruth Gage and Normandin.

HB 935, relative to recording plats. (Amendment printed SJ 4/12)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Brungot, Baldizar and Normandin.

COMMITTEE REPORT (Regular Calendar)

SB 356-FN, relative to involuntary admissions under limited circumstances for the developmentally impaired. Refer for Interim Study.

The Committee feels that this 14-page bill was brought to us too late in the Session. The Committee had one day's notice and only a few hours to hear testimony and take action on a bill that could have major effects on developmentally disabled persons of our state.

(1) The Attorney General's representative stated that the bill would need amendments to clean up some errors made due to the bill being drafted too hastily. He also stated that the bill was only needed in the narrowest of circumstance.

(2) The Committee felt the bill was flawed and no time could be taken to amend.

(3) A case is before the courts, at this time, that might influence this legislation.

(4) There is now a process to address problems of this kind.

(5) The Committee would like to study this bill to be sure that all rights are protected and that loopholes that might come up are closed. Vote 11-0. Rep. Beverly A. Hollingworth for Judiciary.

Report adopted.

RECESS

AFTER RECESS

(Speaker in the Chair)

SENATE MESSAGES

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 315-FN, relative to the personnel appeals board.

The President appointed Sens. Stephen, Freese and Delahunty.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, William McCain, Ward and Wayne King.

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor.

The President appointed Sens. White, Podles and St. Jean.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Lewis, Conroy, William McCann and Matson.

SB 289-FN, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula.

The President appointed Sens. Disnard, Nelson and Johnson.

Rep. Tufts moved that the House accede.

Adopted.

The Speaker appointed Reps. Tufts, Ellen-Ann Robinson, Wallner and Sanderson.

SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor.

The President appointed Sens. Torr, White and Preston.

Rep. Pearson moved that the House accede.

Adopted.

The Speaker appointed Reps. Pearson, Alukonis, Hager and Levesque.

SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor.

The President appointed Sens. Freese, Blaisdell and Delahunty.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Butler, Hawkins, Sochalski and O'Rourke.

SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike.

The President appointed Sens. Torr, Krasker and Hounsell.

Rep. Pearson moved that the House accede.

Adopted.

The Speaker appointed Reps. Marsh, Holbrook, Driscoll and Kincaid.

SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness.

The President appointed Sens. Nelson, White and Dupont.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Wilson, Tilton, Sochalski and Miller.

SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor.

The President appointed Sens. Disnard, Hough and Bond.

Rep. Tufts moved that the House accede.

Adopted.

The Speaker appointed Reps. Palumbo, Keefe, Ellen-Ann Robinson and Yeaton.

SB 305-FN, relative to pari-mutuel pools at dog races.

The President appointed Sens. Blaisdell, Bartlett and Hough.

Rep. Phelps moved that the House accede.

Adopted.

The Speaker appointed Reps. Phelps, Beverly Gage, Gross and William Dion.

SB 326-FN, establishing a New Hampshire rivers management and protection program and making an appropriation therefor.

The President appointed Sens. Hounsell, McLane and Blaisdell.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Dingle, Blanchard, Sanderson and Schwartz.

SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

The President appointed Sens. Preston, Bartlett and Dupont.

Rep. Alf Jacobson moved that the House accede.

Adopted.

The Speaker appointed Reps. Thomas Gage, Lown, Sytek and Matson.

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct.

The President appointed Sens. Podles, Bartlett and Preston.

Rep. Alf Jacobson moved that the House accede.

Adopted.

The Speaker appointed Reps. Alf Jacobson, Lown, Koromilas and Cote.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 625, relative to fees for boats and boat registration and making certain appropriations.

The President appointed Sens. Hounsell, Freese and Preston.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district.

The President appointed Sen. Preston, Heath and Johnson.

HB 917, making technical changes for the department of revenue administration.

The President appointed Sens. Freese, Bartlett and Disnard.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 824, relative to area school district agreements. (Amendment printed SJ 4/14)

Rep. Tufts moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tufts, Hager, Skinner and Yeaton.

HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Hager, Densmore and Frank.

HB 1204-FN-A, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Parker moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Parker, Sytek, Weymouth and Wayne King.

HB 594-FN, relative to county victim assistance programs and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Francis Robinson, Martling, Howard Townsend and Daniel Eaton.

HB 1088-FN-A, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bean, Wallner, Lovejoy and Densmore.

HB 1129, relative to obtaining supplemental appropriations. (Amendment printed SJ 4/14)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scamman, Kidder, Hager, Gross and Densmore.

HB 847-FN-A, relative to indigent defense and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Dexter, Weymouth and Pelley.

ENROLLED BILLS AMENDMENTS

HB 762-FN-A, making supplemental appropriations to the fish and game department.

Amendment

Amend the bill by replacing line 12 of page 1 with the following:

30 Mobiles

92,000

This amendment corrects a transcription error in an appropriation figure in section 1 of the bill. It does not change the total amount appropriated.

Adopted.

HB 1089-FN, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices.

Amendment

Amend the bill by replacing line 1 on page 2 with the following:

539:3-a Penalty. Any person violating the provisions of RSA 539:1 or

This enrolled bill amendment corrects a transcription error in the bill.

Adopted.

SB 291, relative to refunds of insurance premiums.

Amendment

Amend the bill by replacing section 4 with the following:

4 Contingency Provision. If SB 319 of the 1988 regular session becomes law, RSA 402:80 as inserted by section 1 of this act shall be renumbered as RSA 402:81.

5 Effective Date. This act shall take effect January 1, 1989.

This amendment inserts a contingency provision into the bill which will renumber an RSA section, if SB 319 of this session becomes law.

Adopted.

SB 342, amending the certificate of need law.

Amendment

Amend the bill by replacing line 18 on page 1 with the following:

homes including all services and property owned by such. Health care

This amendment corrects a typographical error in section 3 of the bill.

Adopted.

SENATE MESSAGE
REQUESTS CONCURRENCE WITH AMENDMENT

HB 862-FN, relative to solid waste disposal and source reduction and making an appropriation therefor. (Amendment printed SJ 4/14)

Reps. Elizabeth Greene and Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Holmes, Millard, Bowler and Popov.

ENROLLED BILLS REPORT

HB 310, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.

HB 313, relative to the widening, realignment, and improvement of the Route 3-A and Pinecrest Road intersection in Litchfield.

HB 739, relative to appeals from the denial of building permits in municipalities without zoning ordinances.

HB 754, making an appropriation to acquire abandoned railroad rights-of-way and to rebuild, modernize and maintain the Rochester-Ossipee branch line, and relative to transfer of state railroad property interests to the city of Keene.

HB 798, relative to special function liquor licenses for clubs, certain liquor licenses and permits for nonprofit organizations and hotels, extension of certain liquor licenses to outside areas, and establishing a committee to study state liquor laws.

HB 816, prohibiting the hunting of mourning doves in New Hampshire.

HB 872, regulating risk retention groups and purchasing groups.

HB 894, relative to consideration of water companies as public utilities.

HB 953, relative to a fire protection system for the vault in the state archives and making an appropriation therefor.

HB 995, relative to exemption from the gasoline tax and state license plates.

SB 348, relative to licensing of health care facilities.

SB 351, relative to regional banking.

Rep. Natalie S. Flanagan
For the Committee.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 873-FN, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides. (Amendment printed SJ 4/14)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Haynes, Ward, Phelps and Casey.

Rep. Palumbo addressed the House briefly.

Mr. Speaker. Carol and Melissa Maintain are sleeping and she's adorable. Seven pounds, two ounces and 18 1/2 inches long. She was born at 3:27 and 15 seconds this afternoon. Who is the lucky representative of the pool, Rep. Fesh. We are all happy campers and my daughter, Diana, is exceedingly happy because she has been hoping for a girl the entire time. Thank you, Mr. Speaker.

Rep. Wright moved that Rep. Palumbo's remarks be printed in the Journal.

Adopted.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the rules be so far suspended as to permit introduction, to dispense with hearings, committee report, the required notice in the calendar after the deadlines and to consider, adopt and order to third reading at the present time, the following House Bill:

HB 1208-FN, relative to capital reserve and estimates of unrestricted revenue. (Rep. Palumbo of Rockingham Dist. 10; Rep. Kidder of Merrimack Dist. 2; Rep. Ward of Grafton Dist. 1; Rep. Chambers of Grafton Dist. 12; Rep. Densmore of Grafton Dist. 3 - To Ways and Means)

Reps. Chambers, Palumbo, Ward and Kidder spoke in favor of the motion. Adopted by the necessary two-thirds.

Question now being shall HB 1208-FN, relative to capital reserve and estimates of unrestricted revenue, be passed.

Adopted.

Reps. Palumbo and Chambers moved that HB 1208-FN, relative to capital reserve and estimates of unrestricted revenue, be ordered to third reading at the present time.

Adopted.

Third reading and final passage

HB 1208-FN, relative to capital reserve and estimates of unrestricted revenue.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 82

acknowledging Israel's Fortieth Independence Day.

WHEREAS, Israel, in 1948, became a sovereign state, its people establishing it as the homeland for Jews throughout the world, and

WHEREAS, during the forty years since its creation as an organized state, Israel has become a country of cultural, academic, economic, and agricultural achievements, and

WHEREAS, being culturally and historically rich, Israel has given the world many of its priceless treasures, and

WHEREAS, Israel is known far and wide as The Holy Land, the land of Biblical times where exist many of the world's holy sites, and

WHEREAS, Israel has shared freely the benefits of its industrial, agricultural, and medical achievements, helping to fight hunger, poverty, and underdevelopment in the world, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the fortieth anniversary of Israel's Independence Day be cause for celebration, and be it further

RESOLVED, that all Americans of Jewish heritage be saluted and recognized for the many outstanding contributions Israel has made to the world.

Adopted.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 932-FN-A, establishing a New Hampshire film and television bureau and making an appropriation therefor. (Amendment printed SJ 4/14)

Reps. Hawkins and Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, William McCain, LaMott and Wayne King.

HB 1171, relative to boating restriction on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin. (Amendment printed SJ 4/12)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Irvin Gordon, Malcolm, Hoar and Turgeon.

HB 1061-FN, relative to retaining certain state-owned land overlooking Lake Winnisquam. (Amendment printed SJ 4/14)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pearson, Dexter, Keans and Levesque.

HB 972, relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions. (Amendment printed SJ 4/14)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. C. William Johnson, Lozeau, Dexter and Hollingworth.

HB 921-FN, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans. (Amendment printed SJ 4/12)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Palumbo, Pearson, LaMott and Kincaid.

HB 763, prohibiting the operation of wet bikes on Arlington mill reservoir in the town of Salem. (Amendment printed SJ 4/12)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dingle, Spear, Phelps and Nelson.

HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pearson, Peyron, Phelps and Kilbride.

HB 1200, relative to apportionment of damages. (Amendment printed SJ 4/12)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alf Jacobson, Thomas Gage, Fraser and Vaughn.

HB 794-A, making capital appropriations and supplemental capital appropriations. (Amendment printed SJ 4/14)

Reps. Pearson and Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pearson, Marsh, LaMott and Matson.

HB 990-FN-A, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pearson, Hager, Palumbo and Kincaid.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 19 at 1:00 p.m.

Adopted.

LATE SESSION

Rep. Harold Burns moved that the House stand in recess for the purpose of Enrolling Reports and appointment of Committee of Conference Conferees only.

Adopted.

The House recessed at 5:55 p.m.

RECESS

(Speaker in the Chair)

SENATE MESSAGE

NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 355, appropriating additional sweepstakes revenues for foundation aid.

The President appointed Sens. Blaisdell, Dupont and Hough.

Rep. Hager moved that the House accede.

Adopted.

The Speaker appointed Reps. Hager, Miller, Ellen-Ann Robinson and Sanderson.

RECESS

(Rep. Bates in the Chair)

CONFEREE CHANGES

HB 990 - Rep. Hager off; Rep. Marsh on

SB 247 - Rep. Hager off; Rep. Laurent Boucher on

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation. (Amendment printed SJ 4/12)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Palumbo, Reardon and Christy.

HB 1162-FN-A, relative to aids education prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purpose. (Amendment printed SJ 4/14)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Bates, Palumbo and Chambers.

RECESS

(Rep. Fraser in the Chair)

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 237-FN, limiting the civil liability of volunteers working on behalf of nonprofit organizations. (Amendment printed SJ 4/14)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alf Jacobson, Thomas Gage, Fraser and Vaughn.

HB 1208-FN, relative to capital reserve and estimates of unrestricted revenue. (Amendment printed SJ 4/14)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Hayes, Cowenhoven and Blacketer.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 401-FN, relative to video tape depositions.

The President appointed Sens. Podles, White and Nelson.

HB 480, recodifying the county correction laws.

The President appointed Sens. White, Heath and Nelson.

HB 532, allowing real estate firms or brokers to establish interest-bearing trust accounts.

The President appointed Sens. Dupont, Torr and St. Jean.

HB 551-FN, establishing a study committee relative to computer-based public records.

The President appointed Sens. Podles, Preston and Dupont.

HB 571-FN, relative to the certification and financial management of life care facilities.

The President appointed Sens. Delahunty, Freese and Blaisdell.

HB 594-FN, relative to county victim assistance programs.

The President appointed Sens. Podles, Dupont and Blaisdell.

HB 606-FN, relative to lock-up of children.

The President appointed Sens. Krasker, Blaisdell and Bond.

HB 625-FN, relative to fees for boats and boat registration and making certain appropriations.

The President appointed Sens. Hounsell, Freese and Preston.

HB 734, relative to posting of bond by administrators of estates.

The President appointed Sens. Pressly, Charbonneau and Johnson.

HB 756, prohibiting harassment of police dogs or horses.

The President appointed Sens. Podles, Nelson and White.

HB 758-FN, establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.

The President appointed Sens. Roberge, Podles and Nelson.

HB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem.

The President appointed Sens. Hounsell, Freese and St. Jean.

HB 794-A, making capital appropriations and supplemental capital appropriations.

The President appointed Sens. Torr, White and Nelson.

HB 803, relative to snowmobile operation and changing compliance dates for ATV manufacturers.

The President appointed Sens. Preston, Hounsell and Torr.

HB 818, relative to the taking of trout.

The President appointed Sens. Hounsell, Krasker and McLane.

HB 819, relative to the setting of black bear seasons.

The President appointed Sens. Hounsell, St. Jean and Freese.

HB 820, relative to the hunter education program and bow and arrow licenses.

The President appointed Sens. Hounsell, Freese and Preston.

HB 821, legalizing certain town meetings and hearings.

The President appointed Sens. Krasker, Johnson and Heath.

HB 824, relative to area school district agreements.

The President appointed Sens. Disnard, Hough and Johnson.

HB 832, establishing a 10-year bridge construction and reconstruction plan.

The President appointed Sens. Torr, Hounsell and Preston.

HB 842, establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places.

The President appointed Sens. St. Jean, Dupont and Bond.

HB 847-FN-A, relative to indigent defense and making an appropriation therefor.

The president appointed Sens. Blaisdell, Dupont and Bartlett.

HB 848, relative to burials on private property.

The President appointed Sens. Pressly, Heath and Charbonneau.

HB 852-FN, relative to New Hampshire hospital personnel.

The President appointed Sens. Freese, Stephen and Delahunty.

HB 858-FN, relative to fetal alcohol syndrome.

The President appointed Sens. Krasker, White and Bond.

HB 862-FN, relative to solid waste disposal and source reduction.

The President appointed Sens. Hounsell, McLane and Krasker.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides.

The President appointed Sens. Dupont, Blaisdell and Delahunty.

HB 881-FN, relative to weights and measures.

The President appointed Sens. Freese, Dupont and Disnard.

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

The President appointed Sens. Hounsell, St. Jean and Freese.

HB 897, relative to annual reports of county officers.

The President appointed Sens. Charbonneau, Johnson and Pressly.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.

The President appointed Sens. St. Jean, Podles and Bartlett.

HB 917, making technical changes for the department of revenue administration.

The President appointed Sens. Freese, Disnard and Bartlett.

HB 921-FN, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

The President appointed Sens. Torr, Preston and Hounsell.

HB 932-FN-A, establishing a New Hampshire film and television bureau.

The President appointed Sens. Nelson, Hounsell and Freese.

HB 935, relative to recording plats.

The President appointed Sens. Pressly, Heath and Stephen.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district.

The President appointed Sens. Preston, Heath and Johnson.

HB 962-FN-A, relative to the study and design of a ski lodge at Mt. Sunapee and making an appropriation therefor.

The President appointed Sens. Torr, Chandler and Nelson.

HB 972, relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

The President appointed Sens. White, Podles and Preston.

HB 978, legalizing certain town meetings and zoning board of adjustment proceedings.

The President appointed Sens. Pressly, Charbonneau and Heath.

HB 980-FN, relative to penalties for sewage treatment violations.

The President appointed Sens. Hounsell, St. Jean and Freese.

HB 990-FN-A, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor.

The President appointed Sens. St. Jean, Bartlett and Dupont.

HB 1061-FN, relative to retaining certain state-owned land overlooking Lake Winnisquam.

The President appointed Sens. Freese, Heath and Preston.

HB 1067-FN, relative to the penalty for an aggravated DWI offense.

The President appointed Sens. Podles, White and Preston.

HB 1080-FN, relative to nongame species and making a continuing appropriation therefor.

The President appointed Sens. Hounsell, Krasker and Heath.

HB 1081-FN, naming a part of route 111 in the town of Windham the Waterhouse Memorial Road.

The President appointed Sens. Preston, Johnson and Heath.

HB 1088-FN, establishing pilot child care provider recruitment and training programs and making an appropriation therefor.

The President appointed Sens. Krasker, White and Podles.

HB 1093, relative to reporting requirements of corporations having securities registered in this state.

The President appointed Sens. Dupont, Stephen and Charbonneau.

HB 1109-A, relative to the purchase of the Cheshire Bridge in the town of Charlestown and making an appropriation therefor.

The President appointed Sens. Torr, White and Krasker.

HB 1129, relative to obtaining supplemental appropriations.

The President appointed Sens. Blaisdell, Bartlett and Hough.
(Alternates: Sens. St. Jean, Dupont and White)

HB 1137-FN, relative to the reports required by and the setting of tax rates for municipalities, counties and school districts.

The President appointed Sens. Preston, Charbonneau and Bartlett.

HB 1144-FN, relative to civil penalties for violations by public utilities.

The President appointed Sens. Podles, White and Nelson.

HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer.

The President appointed Sens. St. Jean, Dupont and Preston.

HB 1150-FN, permitting the attorney general to hire part-time attorneys general.

The President appointed Sens. St. Jean, Podles and Bartlett.

HB 1154, permitting the Waterville Valley Estates village district to exceed its debt limitation.

The President appointed Sens. Freese, Disnard and Delahunty.

HB 1163-FN, relative to nursing home care costs paid by counties.

The President appointed Sens. Torr, Blaisdell and Dupont.

HB 1167-FN, relative to elderly property tax credits.

The President appointed Sens. Roberge, Blaisdell and Chandler.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin.

The President appointed Sens. Hounsell, Heath and Krasker.

HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor.

The President appointed Sens. Blaisdell, Podles and Delahunty.

HB 1200, relative to apportionment of damages.

The President appointed Sens. Freese, Blaisdell and Roberge.

HB 1204-FN, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.

The President appointed Sens. St. Jean, Bartlett and Preston.

RECESS

(Speaker in the Chair)

Rep. Ezra Mann moved that the House adjourn.

Adopted.

HOUSE JOURNAL 20

Tuesday, 19Apr88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rep. Calvin Warburton.

We recall, with Massachusetts, the battles of Lexington and Concord on this date 203 years ago.

We also recall the ride of Paul Revere over four months earlier to Portsmouth which resulted in the reduction of Fort William and Mary.

We are proud of our forebears and our history. May our actions today, and on subsequent occasions, add luster to that pride for our posterity. Amen.

Rep. Brungot led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. McManus, Ducharme, Frink, Lawrence Chase, Newell, Gerald Smith, Wells, McIntire, Provencal, Nancy Ford, Blair, Pierce, Nagel and Dearborn, the day, illness.

Reps. Parr, Marilyn Campbell, Prestipino, Lemire, Joyce, Wadsworth, Magee, Hardy, Dickinson, Simon and Mulligan, the day, important business.

Reps. Powers and Bourque, the day, death in the family.

Reps. Joseph MacDonald, Wood and Bernard, the day, illness in the family.

INTRODUCTION OF GUESTS

4th grade students and their teachers from the Bedford Memorial Elementary School, guests of the Bedford Delegation; Marion Mann, wife of Rep. Ezra Mann; Lucille and Jeannette Frechette, wife and daughter-in-law of Rep. Frechette; Pamela Merchant, wife of Rep. Merchant; Ann Harrington, guest of Rep. Marian Harrington; Vernon and Connie Stavenger, guests of Rep. Fields; Edward Pevear, husband of Rep. Pevear; Greta Poulsen Whittemore, wife of Rep. Whittemore.

Members of the Hopkinton Singers from Hopkinton High School and their Director, Thomas A. Nerbonne, who entertained the House briefly.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO 83

honoring the Hopkinton Singers of Hopkinton High School.

WHEREAS, during the 1987-1988 academic year, the Hopkinton Singers were created, a mixed vocal group comprised of forty-eight girls and

boys, all students in grades nine through twelve at Hopkinton High School, and

WHEREAS, the Hopkinton Singers, under the direction of Thomas A. Nerbonne, on April 25th, will perform at Disney World as one of New Hampshire's designated representatives at festivities marking the bicentennial celebration of the United States Constitution, and

WHEREAS, during their seven-day visit to Florida, the Hopkinton Singers also will perform at Epcot Center, at Sea World, and at an Orlando retirement community, and

WHEREAS, the performance at Disney World and those performances elsewhere in Florida will mark the first time the Hopkinton Singers have traveled outside New Hampshire to represent the State, and

WHEREAS, in order to make the week-long trip, the Hopkinton Singers, using their collective ingenuity and solid Yankee work ethic, raised thirty-five thousand dollars to cover all expenses, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the forty-eight members of the Hopkinton Singers be recognized and saluted for the honor they have brought to Hopkinton High School, the Town of Hopkinton and the State of New Hampshire, and be it further

RESOLVED, that the Hopkinton Singers be granted best wishes for an outstanding performance and enjoyable time in Florida, and that a suitable copy of this Resolution be prepared for presentation to Hopkinton High School.

Adopted unanimously.

(Deputy Speaker Burns in the Chair)

Rep. Grodin addressed the House briefly.

Thank you, Mr. Speaker. Mr. Speaker, the House has House Rules, the Senate, bless them, has Senate Rules, together we have Joint Rules, but for some of us who occupy, from time to time, an office on the second floor of the Legislative Office Building, we've got our own set of rules known as "Mann's Law." For those of you who may not be familiar with it, "Mann's Law" has educated, or perhaps intimidated, the whole generation of Representatives, to say nothing of a few Senators and assorted Lobbyists. This morning, Ladies and Gentlemen, the members of the Municipal and County Government Committee celebrated the distinguished service of the Honorable Ezra B. Mann, II, Representative from Woodsville. For 18 years he has been a member of the Committee on Municipal and County Government, serving as member, Vice Chairman and Chairman. We presented to him, with reverence and affection, the framed photograph with an inscription recording and attesting to his service to this state. Mr. Speaker, with your permission, we the members of the Municipal and County Government Committee would like to donate an exact copy of that framed photograph for placement in the offices of the Municipal and County Government Committee, and Mr. Speaker and members of the House of Representatives, we ask that you join with us today in honoring the faithful and distinguished service of Representative Ezra B. Mann, II.

The House sang "For He's a Jolly Good Fellow" honoring Rep. Ezra B. Mann, II.

Rep. Barnes moved that Rep. Grodin's remarks be printed in the House Journal.

Adopted.

SENATE MESSAGES
CONCURRENCE

HB 919-FN, relative to the matching requirements for vocational rehabilitation programs.

HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists.

CONCURRENCE WITH AMENDMENT

SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements.

NONCONCURRENCE

HB 1009-FN, relative to managing tax supported state debt.

HB 1056-FN-A, authorizing the payment of bond expenses out of bond proceeds and authorizing the appropriation of funds for such expenses if bond proceeds are insufficient.

HB 826-FN-A, authorizing the hiring of a consultant to review the effectiveness of foundation aid, and making an appropriation therefor, and relative to the teacher shortage study committee.

HB 1082-FN, relative to irradiated food.

REFERRED FOR INTERIM STUDY

HB 352-FN-A, relative to the return of revenue to cities and towns.

INDEFINITELY POSTPONED

HCR 11, concerning the budget of the United States.

LAID ON TABLE

HB 773-FN-A, relative to a legal holiday on June 21, 1988 celebrating New Hampshire's role in ratifying the United States Constitution, and suspending the celebration of Fast Day for 1988.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 237, limiting the civil liability of volunteers working on behalf of nonprofit organizations; establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers.

The President appointed Sens. Freese, Blaisdell and Roberge.

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation.

The President appointed Sens. Roberge, Chandler and Preston.

HB 1162, relative to AIDS education, prevention and control and making an appropriation therefor, and relative to testing for the AIDS virus for insurance purposes.

The President appointed Sens. Krasker, White and St. Jean.

HB 1208, relative to capital reserve and estimates of unrestricted revenue.

The President appointed Sens. Roberge, Bartlett and Blaisdell.

CONFERENCE CHANGE

HB 1093 - Rep. Provencal off; Rep. Buckley on

SENATE MESSAGES
REFUSES TO SUSPEND RULES TO INTRODUCE

HB 1205, establishing a low and moderate income housing loan program and making an appropriation therefor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 353-FN-A, relative to condominium conversions. (Amendment printed SJ 4/14)

Rep. Parker moved that the House concur.
Adopted.

HB 627-FN, to provide a loss carry forward under the business profits tax and relative to partnership and proprietorship deductions for compensation. (Amendment printed SJ 4/14)

Rep. Ward moved that the House concur.
Adopted.

HB 639-FN, relative to certification of soil scientists.
(Amendment printed SJ 4/14)

Rep. Elizabeth Greene moved that the House concur.
Adopted.

HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. (Amendment printed SJ 4/12)

Rep. Hawkins moved that the House concur.
Adopted.

HB 740, establishing standards for marital mediators and relative to voluntary marital mediation in divorce proceedings. (Amendment printed SJ 4/12)

Rep. Alf Jacobson moved that the House concur.
Adopted.

HB 748-FN-A, relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Kidder moved that the House concur.
Adopted.

HB 765-FN-A, relative to the printing of "New Hampshire Historical Markers", and making an appropriation therefor. (Amendment printed SJ 4/14)

Rep. Pearson moved that the House concur.
Adopted.

HB 814-FN, relative to fines imposed by the staff of the pharmacy board. (Amendment printed SJ 4/14)

Rep. Hawkins moved that the House concur.
Adopted.

HB 863-FN-A, relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors, establishing a police communications specialist position within the division of state police, and making an appropriation therefor. (Amendment printed SJ 4/14)

Reps. Alf Jacobson and Kidder moved that the House concur.
Adopted.

HB 940, relative to child support enforcement and paternity.
(Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 942, relative to treatment by physical therapy. (Amendment printed SJ 4/14)

Rep. Sochalski moved that the House concur.
Adopted.

HB 964, granting law enforcement officials and certain employees of the department of health and human services the right to enter, without the consent of parent or guardian, public places to interview children who may be abused or neglected. (Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 1021-FN, relative to the treatment and care of alcohol abusers, substance abusers, and alcohol and substance abusers. (Amendment printed SJ 4/14)

Rep. Sochalski moved that the House concur.
Adopted.

HB 1097, relative to underground storage tanks. (Amendment printed SJ 4/14)

Rep. Dickinson moved that the House concur.
Adopted.

HB 1092-FN, amending the 10-year highway plan. (Amendment printed SJ 4/14)

Rep. Pearson moved that the House concur.
Adopted.

HB 1103-FN, relative to state-owned surplus real estate to be used to establish affordable housing for low and moderate income persons.
(Amendment printed SJ 4/14)

Rep. Parker moved that the House concur.
Adopted.

HB 1112-FN-A, relative to the head start program and making an appropriation therefor. (Amendment printed SJ 4/14)

Reps. Kidder and Robert Jones moved that the House concur.
Adopted.

HB 1128, establishing child support guidelines, and establishing a committee to study child support issues. (Amendment printed SJ 4/14)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 1147-FN, prohibiting persons who have been convicted of child pornography, felonious physical assault on a minor, or any sexual assault, from engaging in activities relating to the care of children. (Amendment printed SJ 4/12)

Rep. Robert Jones moved that the House concur.
Adopted.

HB 1158-FN, relative to extension of the authority of the division of water supply and pollution control relative to safe drinking water. (Amendment printed SJ 4/14)

Rep. Dickinson moved that the House concur.
Adopted.

HB 1159-FN, relative to the southeast regional refuse disposal district. (Amendment printed SJ 4/14)

Rep. Elizabeth Greene moved that the House concur.
Adopted.

HB 1188-FN, establishing age limits for the operation of OHRVs. (Amendment printed SJ 4/14)

Rep. Rounds moved that the House concur.
Adopted.

HB 1202-FN, requiring additional reports to be filed with the insurance commissioner. (Amendment printed SJ 4/12)

Rep. Fraser moved that the House concur.
Rep. Alf Jacobson spoke against the motion.
Rep. Fraser spoke in favor of his motion.
Rep. Bass moved that further consideration of HB 1202 be laid upon the table.
Adopted.

CONFEREES CHANGE

HB 1150 - Rep. Lachance off; Rep. Rosencrantz on

ENROLLED BILL AMENDMENT

HB 850, exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond and relative to mineral extraction.

This amendment corrects the title of the bill.
Adopted.

ENROLLED BILLS REPORT

- HB 537, relative to regulation of the practice of nursing.
HB 737, relative to appointing alternates for certain members on municipal budget committees.
HB 746, relative to legalizing the Winchester town meeting.
HB 772, providing for the classification of Lake Wentworth.
HB 827, relative to health screening for members of the general court.
HB 833, relative to the defense and indemnification of housing finance authority officials and employees.
HB 848, relative to burials on private property.
HB 900, extending the reporting dates for the cooperative extension service and fire law study committees and extending the report date and appropriation of the environmental risk insurance fund study commission.
HB 902, relative to county foresters.
HB 905, relative to surrogate parents appointed for educationally handicapped children.
HB 959, relative to the future energy supply needs of New Hampshire.
HB 963, relative to certain public utility contracts.
HB 998, relative to liability of manufacturers.
HB 1008, relative to after market parts.
HB 1062, relative to the advisory committee on state economic development and local population growth.
HB 1066, relative to group II of the New Hampshire retirement system and making an appropriation therefor.
HB 1098, establishing a committee to study surrogate motherhood.
HB 1107, establishing a committee to study legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor.
HB 1186, relative to the establishment of inclusionary zoning and accessory dwelling unit standards and development restrictions.
HB 1194, relative to the emergency treatment of step-children.
HB 1199, relative to unemployment compensation and relative to the division of standard and certification, department of education.
SB 243, reinstating the passenger tramway safety board.
SB 283, relative to protective services for adults.
SB 343, relative to liability for expenses of children under the supervision of the division for children and youth services.
HB 743, relative to security deposits on rental property.
HB 762, making supplemental appropriations to the fish and game department.
HB 812, relative to mutual savings banks and mutual holding companies.
HB 880, relative to certification of water quality laboratories.
HB 887, relative to the jurisdiction of marine patrol officers.
HB 996, making an appropriation for the state's purchase of the Hillsborough county courthouse.
HB 1000, relative to the Christa McAuliffe memorial and making an appropriation therefor.
HB 1020, relative to occupational therapists and occupational therapy assistants and making an appropriation therefor.
HB 1041, establishing a committee to study and develop a plan for the protection of the Upper Ammonoosuc River watershed.
HB 1072, appropriating funds to the department of environmental services for a water supply study.
HB 1089, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices.

HB 1161, relative to health insurance for members of the general court.

SB 275, relative to Skyhaven airport and making an appropriation therefor.

SB 298, relative to student housing at the New Hampshire technical institute and making an appropriation therefor.

SB 341, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor.

Rep. Natalie S. Flanagan
Sen. John P.H. Chandler
For the Committee.

(Speaker in the Chair)

COMMITTEE OF CONFERENCE REPORT ON SB 261

The committee of conference to which was referred Senate Bill 261, An Act relative to setting seasons and bag limits on small game birds and animals having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 207:56, I as inserted by section 1 of the bill by replacing it with the following:

I. The executive director, after consultation with the commission, shall have the authority to open and close the seasons for the taking of small game and game birds as defined in RSA 207:1, XXVI and XI, to fix the number and sex limitations for small game, and any other conditions governing the methods and manner of taking and reporting the same, subject to any restrictions imposed by statute.

Conferees on the Part of the House:

Reps. Felch, William Boucher, Scanlan and Albert Dionne.

Conferees on the Part of the Senate:

Sens. Hounsell, St. Jean and McLane.

Rep. Rounds moved that the House nonconcur with the report and set up a new Committee of Conference, and spoke to his motion.

Adopted.

The Speaker appointed Reps. Felch, William Boucher, Scanlan and Albert Dionne.

RECONSIDERATION

Rep. Elizabeth Greene moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 1159-FN, relative to the southeast regional refuse disposal district, and spoke to her motion.

Adopted.

Rep. Elizabeth Greene moved that the House nonconcur with the Senate amendment to HB 1159-FN, relative to the southeast regional refuse disposal district, and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Bowler, Popov and Bonnie McCann.

ENROLLED BILLS REPORT

SB 297, establishing adult in-home care services for certain persons and making an appropriation therefor.

SB 313, providing a cost of living increase for New Hampshire retirement system group II members, relative to death benefits for beneficiaries of group II members; and relative to health care benefits for retired group II members and retired employees of political subdivisions.

SB 328, relative to sexual misconduct by psychotherapists.

SB 296, relative to the construction of regional vocational education centers and making an appropriation therefor.

SB 331, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services.

HB 811, establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders.

HB 845, relative to the department of corrections, and making an appropriation to the department of corrections.

HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists.

HB 919, relative to the matching requirements for vocational rehabilitation programs.

HB 945, relative to the administrative procedure act.

HB 1115, relative to emergency management expenditures.

HB 1182, relative to rate-setting for children's services, and establishing a committee to study rate-setting for health and human services, children, youth and elderly, and education.

HB 1206, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor.

SB 278, relative to aid to assisted persons, and the legalization of certain town meetings and proceedings.

SB 327, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration.

HB 853, relative to the WIC program, and making an appropriation therefor.

Rep. Natalie S. Flanagan
Sen. John P.H. Chandler
For the Committee.

SENATE MESSAGES

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

SB 261, relative to setting seasons and bag limits on small game birds and animals.

The President appointed Sens. Hounsell, St. Jean and McLane.

HB 1159-FN, relative to the southeast regional refuse disposal district.

The President appointed Sens. Stephen, Pressly and Charbonneau.

Rep. Phelps offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that

they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 20 at 1:00 p.m.

Adopted.

LATE SESSION

SENATE MESSAGES CONCURRENCE

HB 1206, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor.

CONCURRENCE WITH AMENDMENTS

SB 278, relative to aid to assisted persons, and the legalization of certain town meetings and proceedings.

SB 294, relative to the catastrophic aid formula.

SB 296, relative to the construction of regional vocational education centers and making an appropriation therefor.

SB 297, establishing adult in-home care services for certain persons and making an appropriation therefor.

SB 313, providing a cost of living increase for New Hampshire retirement system group II members, relative to death benefits for beneficiaries of group II members, and relative to health care benefits for retired group II members and retired employees of political subdivisions.

SB 322, relative to petroleum pollution cleanup.

SB 327, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration.

SB 328, relative to sexual misconduct by psychotherapists.

SB 331, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services.

Rep. Harold Burns moved that the House stand in recess for the purpose of Enrolling reports only.

Adopted.

The House recessed at 3:00 p.m.

CONFEREE CHANGE

HB 594 - Rep. Daniel Eaton off; Rep. Lussier on

RECESS

(Deputy Speaker Burns in the Chair)

CONFEREE CHANGES

HB 237 - Rep. Alf Jacobson off; Rep. Sytek on

HB 1200 - Rep. Alf Jacobson off; Rep. Sytek on

Rep. Vaughn off; Rep. Hynes on

Rep. Benton moved that the House adjourn.

Adopted.

HOUSE JOURNAL 21

Wednesday, 20Apr88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by guest Chaplain, Rep. Paul G. Blacketer.

Our Father in Heaven, we approach Thy Throne of Grace with hearts that yield to Thy leadership.

We pray that Thy Spirit be upon the leaders of this State and this assembly as we transact the business of state. May we always be prepared to seek the best interests of our people as we are here assembled. Amen.

Rep. LaMar led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Frink, Ducharme, McManus, Provencal, Wells, Stewart, Newell, McIntire, Pierce and Ezra Mann, the day, illness.

Reps. Carl Anderson, Sallada, Dickinson, Magee, Wadsworth, Joyce, Lemire, Prestipino, Michael Jones, Marilyn Campbell, Parr, Anita Flynn, Edward Flynn, Barbara Arnold, Butler, Gene Chandler, Nancy Ford, Grip, Doucette, Lozeau, Schwaner, Laurion, Mary Holmes, Daniel Eaton, Crystal and Chretien, the day, important business.

Reps. Powers and Bourque, the day, death in the family.

Reps. Joseph MacDonald and Bernard, the day, illness in the family.

ENROLLED BILL AMENDMENT

SB 322-FN-A, relative to petroleum pollution cleanup.

Amendment

Amend the bill by renumbering sections 3-12 to read as 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, respectively.

Amend paragraph I of section 11 of the bill by replacing it with the following:

I. Paragraphs VIII and IX of section 9 of this act shall take effect January 1, 1994.

This enrolled bill amendment corrects an error in the numbering of sections of the bill.

Adopted.

SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 756, prohibiting harassment of police dogs or horses.

HB 803, changing the compliance dates for ATV manufacturers.

HB 818, relative to the taking of trout.

HB 819, relative to the setting of black bear seasons.

HB 820, relative to the hunter education program and bow and arrow licenses.

HB 842, establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

HB 1080, relative to nongame species and making a continuing appropriation therefor.

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation.

COMMITTEE OF CONFERENCE REPORTS

HB 756, prohibiting harassment of police dogs or horses. (Report printed SJ 4/19)

Report adopted.

HB 803, changing the compliance dates for ATV manufacturers. (Report printed SJ 4/19)

Report adopted.

HB 818, relative to the taking of trout. (Report printed SJ 4/19)

Report adopted.

HB 819, relative to the setting of black bear seasons. (Report printed SJ 4/19)

Report adopted.

HB 820, relative to the hunter education program and bow and arrow licenses. (Report printed SJ 4/19)

Report adopted.

HB 842, establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places. (Report printed SJ 4/19)

Rep. Horton spoke in favor of the report.

Rep. Beverly Gage spoke against the report.

Reps. Oleson, Matson and Guay spoke in favor of the report and yielded to questions.

Reps. Oleson and Palumbo requested a roll call. Sufficiently seconded.

YEAS 284 NAYS 10

YEAS 284

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Russell Chase, Robert Holmes, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Delano, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Parker, Perry, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Driscoll, Guest, Hammond, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baker, Baldizar, Bass, Boutwell, Bowers, Buckley, Burkush, Champagne, Cid, Cowenhoven, Cox, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Donovan, Drolet, Dube, Dwyer, Clyde Eaton, Fields, Frank, Ruth Gage, Gagnon, Genest, Granger, Scott Green, Guilbert, Gureckis, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Leclerc, Lefebvre, Levesque, Long, Lown, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Price, Reardon, Reidy, Rodgers, Routhier, Schneiderat, Soucy, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, James Chandler, Dunn, Fraser, Gilbreth, George E. Gordon, Douglas Hall, Hayes, Hess, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Rehlander, Gerald Smith, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, William Boucher, Eunice Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Gosselin, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Palumbo, Pantelakos, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Walker, Warburton, Weddle, Welch and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Martling, William McCann, Musler, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 10

BELKNAP: Hawkins, Jensen and Maviglio.

CARROLL: None.

CHESHIRE: Morse.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Dykstra and Joseph M. Eaton.

MERRIMACK: None.

ROCKINGHAM: Bert Ford, Beverly Gage, Merchant and Schmidtchen.

STRAFFORD: None.

SULLIVAN: None, and the report was adopted.

HE 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating. (Report printed SJ 4/19)

Report adopted.

HB 1080, relative to nongame species and making a continuing appropriation therefor. (Report printed SJ 4/19)

Report adopted.

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation. (Report printed SJ 4/19)

Report adopted.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO 84

memorializing State Representative Wilfrid A. Boisvert of Nashua.

WHEREAS, we sadly acknowledge the death of State Representative Wilfrid A. Boisvert, who between 1969 and 1980 served six consecutive terms in the House, followed by another two terms between 1985 and 1988, and

WHEREAS, during his eight terms as an elected Representative, Wilfrid A. Boisvert devotedly sat as an esteemed member of the Standing Committees on Appropriations, Executive Departments and Administration, and Ways and Means, and

WHEREAS, Wilfrid A. Boisvert served as a delegate to the Constitutional Conventions of 1974 and 1984, also serving two consecutive terms as Chairman of the Nashua Delegation, and eight years as a member of the Hillsborough County Executive Committee, and

WHEREAS, Wilfrid A. Boisvert, having been blessed with an abundance of community spirit, served the City of Nashua as a member of the Board of Aldermen for six years, and as Nashua Ward Seven Moderator for six years, and

WHEREAS, having been a native of Manchester who was educated in Canada, Wilfrid A. Boisvert, for several years, served as a member of the New Hampshire National Guard, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Wilfrid A. Boisvert receive highest recognition and praise for his service as a State legislator and as a leader in the community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 21 at 1:00 p.m.

Adopted.

LATE SESSION

Rep. Phelps moved that the House stand in recess for the purpose of Enrolling reports only.

Adopted.

The House recessed at 2:10 p.m.

RECESS

(Speaker in the Chair)

CONFEREES CHANGES

HB 551 - Rep. Wayne King off; Rep. Rosencrantz on
Rep. Vaughn off; Rep. Tilton on
SB 301 - Rep. Holbrook off; Rep. Palumbo on
SB 345 - Rep. Alf Jacobson off; Rep. Hager on
Rep. Lown off; Rep. Palumbo on
Rep. Cote off; Rep. LaMar on

Rep. Robert Jones moved that the House adjourn.
Adopted.

HOUSE JOURNAL 22

Thursday, 21Apr88

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rep. Alf E. Jacobson.

Shall we pray. O God our Father, as we come together to conclude this session, we pray Thy blessing upon us. May not the tensions of this day thwart us from doing that which is in the public interest. May we do that which is for the good of all. May we do that which will form a better commonwealth, a way to live and a way to do. And may we, in all our relationships, enjoy the fact that we are not ordained to do that which is evil, but that which is good. To that end we pray. Amen.

Rep. West led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Frink, McManus, Provencal, Wells, McIntire, Dearborn and Newell, the day, illness.

Reps. Magee, Wadsworth, Joyce, Lemire, Prestipino, Parr, Barbara Arnold, Perham, Olimpio, Pariseau, Gerald Smith, Wixson, Mulligan, Beaupre, Betty Hall, Chretien, Crystal and Brady, the day, important business.

Reps. Powers and Bourque, the day, death in the family.

Reps. Joseph MacDonald and Bernard, the day, illness in the family.

(Deputy Speaker Burns in the Chair)

INTRODUCTION OF GUESTS

Sylvia Jones, wife of Rep. Robert Jones; students and their teachers from the Dondero School in Portsmouth, guests of the Portsmouth Delegation; Boy Scout Troup 151 from Tamworth, guests of Rep. Schofield; Marion Merchant, mother of Rep. Merchant; Bob Pullmen, guest of Rep. Fesh; Ona Twombly and Kristin Lee Elms, guests of Rep. Beverly Gage; 5th grade students from the Holderness School, guests of Reps. King, Driscoll, Blair and Dearborn; Blanche Pevear and Florence Briggs, sister-in-law and guest of Rep. Pevear; Joan Haynes, Lorraine and William Chouinard and Heather Coop, wife and guests of Rep. Haynes.

Reps. Phelps and Chambers moved that, with the exception of the operating and capital budget bills, debate, including questions, be limited to 30 minutes equally divided.

Adopted.

(Speaker in the Chair)

COMMITTEE OF CONFERENCE REPORT ON SB 261

The committee of conference to which was referred Senate Bill 261, An Act relative to setting seasons and bag limits on small game birds and animals having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 207:56, I as inserted by section 1 of the bill by replacing it with the following:

I. The executive director, after consultation with the commission, shall have the authority to open and close the seasons for the taking of small game and game birds as defined in RSA 207:1, XXVI and XI, except those birds protected under RSA 209:4, to fix the number and sex limitations for small game, and any other conditions governing the methods and manner of taking and reporting the same, subject to any restrictions imposed by statute.

Amend section 2 of the bill by deleting paragraph IX and renumbering paragraph X as IX

Conferees on the Part of the Senate:

Sens. Hounsell, Dist. 2; St. Jean, Dist. 20; McLane, Dist. 15.

Conferees on the Part of the House:

Reps. Felch, Rock. 14; Boucher, Rock. 23; Scanlan, Graf. 11; Dionne, Straf. 5.

Rep. Rounds explained the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 262-FN-A

The committee of conference to which was referred Senate Bill 262-FN-A, An Act establishing a New Hampshire conservation corps and making an appropriation therefore having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. White, Dist. 11; Podles, Dist. 16; St. Jean, Dist. 20

Conferees on the Part of the House:

Reps. Lewis, Merr. 5; Conroy, Rock 7; McCann, Straf. 7; Matson, Ches. 7.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 279

The committee of conference to which was referred Senate Bill 279, An Act relative to motor vehicle emissions testing having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Motor Vehicle Emissions Inspection; Termination of Program. The motor vehicle emissions inspection program established under 1985, 403:1 shall be terminated on December 31, 1991, unless the legislature reauthorizes the program prior to that date.

AMENDED ANALYSIS

The bill, as amended, changes the effective date of the motor vehicle emissions inspection program to October 1, 1988.

The bill also changes the penalty for violating the program requirements from a misdemeanor to a violation.

The bill also replaces emissions certificates with stickers to be placed on motor vehicles.

The bill terminates the motor vehicle emissions inspection program on December 31, 1991, unless the legislature reauthorizes the program.

Conferees on the Part of the Senate:

Sens. Preston, Dist. 23; Torr, Dist. 21; Hounsell, Dist. 1.

Conferees on the Part of the House:

Reps. Gordon, Ches. 5; Greene, Rock. 18; Sytek, Rock 10; Donovan, Hills. 26.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 289

The committee of conference to which was referred Senate Bill 289, An Act authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraphs I and II of section 1 of the bill by replacing them with the following:

I. Two members of the house of representatives, appointed by the speaker of the house.

II. Two members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 2 with the following:

2 Meeting; Chair; Staff. The first-named member from the house shall arrange and call the first meeting of the committee within 30 days

of the effective date of this act. At the first meeting, the members shall elect a chair from among them. The department of education shall provide staff support and research as requested by the committee.

Amend paragraphs VII-XI of section 3 of the bill by replacing them with the following:

VII. Alternatives to assure full funding of the state's portion of school construction costs.

VIII. The impact on school facilities of all state and federal statutes and regulations including, but not limited to, such environmental issues as asbestos removal, and underground oil storage tanks.

IX. New developments in education that may have an impact on school buildings.

X. Any other concerns which the committee deems germane to building aid.

Amend the bill by replacing section 5 with the following:

5 Study Authorized. The committee to evaluate the foundation aid formula, established by 1987, 264:1, is authorized, with the assistance of the legislative budget assistant, to accept bids to hire an independent consultant to work at the direction of the committee and the legislative budget assistant. The consultant shall review, study, and report on the effectiveness of the foundation aid formula contained in RSA 198:27-33, and also study the effect, if any, of the formula on the quality of education provided by the school districts. The consultant shall submit interim reports on his progress to the committee by December 1, 1988, by December 1, 1989, and by December 1, 1990. He shall submit a final report of his findings on or before September 1, 1991, to the governor, the executive council, the speaker of the house, and the president of the senate.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, establishes a committee to study school facilities, focusing on present utilization and future needs. The committee is to issue its report by November 1, 1988.

This bill, as amended, authorizes the hiring of a consultant to study the effectiveness of the foundation aid formula. This consultant would work at the direction of the committee to evaluate the foundation aid formula and the legislative budget assistant.

Conferees on the Part of the Senate:

Sens. Disnard, Dist. 8; Nelson, Dist. 13; Johnson, Dist. 17.

Conferees on the Part of the House:

Reps. Tufts, Rock. 13; Robinson, Hills. 12; Walker, Rock. 17; Sanderson, Rock. 25.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 301-FN-A

The committee of conference to which was referred Senate Bill 301-FN-A, An Act relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend 1986, 203:8-a as inserted by section 1 of the bill by replacing it with the following:

203:8-a Deadline. The department of transportation shall complete the study authorized by 1986, 203:8 by June 30, 1990.

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. To provide funds for the appropriations in section 8 and 8-b of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$3,500,000 and for said purpose may issue notes and bonds in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The funds derived from the notes and bonds issued pursuant to this paragraph which exceed \$1,000,000 shall be used to repay the highway surplus account for the funds authorized by the fiscal committee and governor and council pursuant to 1986, 203:8-b.

Amend the bill by inserting the following new section 1, and renumbering the present sections 1-5 to read as section 2, 3, 4, 5, and 6, respectively:

1 Declaration of Public Interest. It is hereby declared to be in the public interest to preserve and maintain the natural beauty and character of the state's resources; to maintain the environmental quality for the overall welfare and benefit of the people of the state, and to promote efforts which will prevent or minimize any potentially adverse impact or damage to the environment while fulfilling the social, economic and other needs of the people of the state. It is further declared to be in the public interest to maintain the character of, to preserve and to avoid any interference with, the natural beauty and environmental integrity of the state's Great Bay area. The means for encouraging the goals and purposes authorized by this act are to direct the department of transportation to undertake a study of potential social, economic and environmental impacts of, and preliminary design plans for, a proposed 4-lane east-west highway from Route I-393 in Concord, to a terminus located north of exit 9 on the Spaulding turnpike. This project will be an alternate to U.S. Route 4 and U.S. Route 4 shall not be a part of the proposed east-west corridor study.

AMENDED ANALYSIS

This bill, as amended, amends 1986, 203:8. The bill maintains the non-lapsing \$1,000,000 appropriation and directs the department of transportation to limit the scope of the study to a terminus north of exit 9 on the Spaulding turnpike. A completion date for the study is established. The department of transportation is authorized to obtain additional funding for the study if it is necessary from the highway surplus account conditional on fiscal committee and governor and council approval. The bill increases the bonding authority by \$2,500,000 to repay the highway surplus account for any additional funds authorized.

Conferees on the Part of the Senate:

Sens. Torr, Dist. 21; Krasker, Dist. 24; Hounsell, Dist. 2.

Conferees on the Part of the House:

Reps. Marsh, Coos 1; Palumbo, Rock. 10; Driscoll, Graf. 8; Kincaid, Straf. 7.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 302-FN

The committee of conference to which was referred Senate Bill 302-FN, An Act relative to fireworks having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 7 with the following:

7 Exceptions. Amend RSA 160-A:3, I and II to read as follows:

I. Any resident wholesaler, dealer, or jobber from selling at wholesale any fireworks, which [are] *is* not prohibited by this chapter.

II. The sale of any kind of fireworks, which are to be [shipped] *transported* directly out of this state *within 24 hours of purchase*.

AMENDED ANALYSIS

The bill, as amended, changes the effective date of 1987, chapter 323, relative to fireworks from May 1, 1988, to upon passage of this bill and further amends provisions affected by that act.

This bill defines fireworks "display". The bill requires the director of the division of state police to establish rules for municipalities to follow in issuing permits for the sale, possession or display of class B special fireworks. It enables the police chief or fire chief of a town or city to issue permits for the purchase, possession or display of class C common fireworks. It allows municipalities to charge reasonable fees for permits to display class B special fireworks and class C common fireworks. The bill also makes it illegal for any person under the age of 18 years to possess fireworks.

This bill rewrites the statutory section on fireworks permits and 2 paragraphs in the section on exceptions to clarify ambiguous language in the current law.

Conferees on the Part of the Senate:

Sens. White, Dist. 11; Dismard, Dist. 8; Freese, Dist. 4.

Conferees on the Part of the House:

Reps. Benton, Rock. 5; Welch, Rock. 10; Green, Hills. 36; Routhier, Hills. 47.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 304-FN

The committee of conference to which was referred Senate Bill 304-FN, An Act relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 502:14, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) Seventy percent to the treasurer of the municipality prosecuting said violations, for the use of the municipality.

(b) Thirty percent to the commissioner of administrative services, or to such department or agency of the state as law provides.

Amend RSA 502-A:8, I(a) and (b) as inserted by section 2 of the bill by replacing them with the following:

(a) Seventy percent to the treasurer of the municipality prosecuting said violations, for the use of the municipality.

(b) Thirty percent to the commissioner of administrative services, or to such department or agency of the state as law provides.

Amend the bill by replacing section 7 with the following:

7 Appropriation; Supreme Court. In addition to any other sums appropriated to the judicial branch, the sum of \$105,929 is hereby appropriated to the supreme court for the biennium ending June 30, 1989, for the purpose of establishing new positions and for additional funding for increased hours of current positions. The supreme court shall distribute such sum to the district courts as follows:

<u>District Court</u>	<u>Cost</u>
Berlin	\$ 4,441
Concord	11,104
Conway	7,402
Derry	2,568
Lebanon	11,104
New London	2,368.50
Exeter	2,368.50
Newport	2,391
Plaistow	6,662
Plymouth	11,104
Auburn	4,441
Hampton	5,330
Hillsboro	2,961
Hooksett	4,441
Jaffrey/Peterborough	4,441
Merrimack	4,441
Ossipee	2,961
Portsmouth	6,518
Rochester	4,441
Salem	4,441
Total	\$105,929

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill, as amended, provides that the district and municipal courts shall pay 70 percent of fines collected for violations of

most municipal ordinances, codes, or regulations over to the municipality whose ordinance, code, or regulation was violated.

This bill, as amended, requires 2 courts, one which uses an automated recordkeeping system and one which uses a manual bookkeeping method, to maintain a record of actual administrative costs for those fines and forfeitures collected, of which 70 percent is paid to the municipality.

The bill, as amended, transfers a \$143,000 appropriation for court security equipment to the district courts for automation. The bill also makes a supplemental appropriation to the supreme court of \$105,929, to create new court assistant positions and to pay for increased hours for current court assistants positions in the district courts.

Conferees on the Part of the Senate:

Sens. Preston, Dist. 23; Bartlett, Dist. 19; Dupont, Dist. 6.

Conferees on the Part of the House:

Reps. Gage, Rock. 13; Lown, Hills. 9; Sytek, Rock 20; Matson, Ches. 7.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 305-FN

The committee of conference to which was referred Senate Bill 305-FN, An Act relative to pari-mutuel pools at dog races having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Commission on Certain Pari-Mutuel Pools. Amend RSA 284:22, IV to read as follows:

IV. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of [25] 26 percent of each dollar wagered in such pools, *until June 30, 1993*. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee; and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23.

2 Commission on Certain Pari-Mutuel Pools, 1993. Amend RSA 284:22, IV to read as follows:

IV. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the commission on all other pari-mutuel pools at such tracks or race

meets shall be uniform throughout the state at the rate of [26] 25 percent of each dollar wagered in such pools [until June 30, 1993]. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee; and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23.

3 Tax. Amend RSA 284:23, II-a to read as follows:

II-a. Each person, association or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum equal to 6 percent of so much of the total contributions to all pari-mutuel pools conducted or made at any dog race or dog race meet licensed hereunder as does not exceed \$100,000; 7 percent of so much thereof as exceeds \$100,000 but does not exceed \$200,000; 9 percent of so much thereof as exceeds \$200,000 but does not exceed \$300,000; and 10 percent of all such contributions exceeding \$300,000. In addition to said sums, a licensee shall pay to the state treasurer a sum equal to [4] 5 percent of the total contributions to all such pari-mutuel pools other than win, place and show pari-mutuel pools, *until June 30, 1993*. The amounts so paid to the state treasurer shall be distributed in accordance with the provisions of RSA 284:2.

4 Tax, 1993. Amend RSA 284:23, II-a to read as follows:

II-a. Each person, association or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum equal to 6 percent of so much of the total contributions to all pari-mutuel pools conducted or made at any dog race or dog race meet licensed hereunder as does not exceed \$100,000; 7 percent of so much thereof as exceeds \$100,000 but does not exceed \$200,000; 9 percent of so much thereof as exceeds \$200,000 but does not exceed \$300,000; and 10 percent of all such contributions exceeding \$300,000. In addition to said sums, a licensee shall pay to the state treasurer a sum equal to [5] 4 percent of the total contributions to all such pari-mutuel pools other than win, place and show pari-mutuel pools[, until June 30, 1993]. The amounts so paid to the state treasurer shall be distributed in accordance with the provisions of RSA 284:2.

5 Temporary Allocation of Pari-Mutuel Tax.

I. Until June 30, 1993, in lieu of the 5 percent provision in RSA 284:23, II-a, a sum equal to 5 percent of the total contributions to all pari-mutuel pools other than win, place, and show pari-mutuel pools shall be allocated as follows: (a) 4 percent to the state treasurer for fiscal years 1989 through 1993; and (b) one percent for fiscal years 1989 through 1993, to each licensee to be used for capital expenditures for alterations, additions, replacements, changes, improvements, professional planning, or major repairs to, for, or upon the property owned or leased by any such licensee and used for such dog races or to create a fund for advertising, promotional, and marketing purposes, including reducing the costs of admission, programs, parking, and concessions. A pari-mutuel licensee shall deposit such moneys received under subparagraph (b) in a separate interest-bearing account for each race track.

II. Prior to constructing any improvements upon the property used for racing by any such licensee, the licensee shall submit to the pari-mutuel commission and the fiscal committee a preliminary plan or sketch outlining the nature and extent of the proposed improvements. The commission may require in writing such additional specifications and plans as may be necessary to satisfy itself that the proposed improvements are, in fact, of a capital

nature as distinguished from deductible expenditures for maintenance and repairs. The commission shall return its findings to the applicant licensee within 30 days after receipt of final data necessary to make such judgment. The licensee, upon receiving the commission's findings and with prior approval of the fiscal committee, may commence construction of the improvements.

III. Each licensee shall file with the pari-mutuel commission and the fiscal committee, on the first day of January, April, July, and October, its proposed advertising, promotional, and marketing program for the ensuing quarter showing the allocation of the funds in percentage terms among the various purposes to be accomplished in that quarter. Before the licensee may expend funds under this paragraph, it shall receive prior approval of the fiscal committee of the general court.

IV. Within one year of the effective date of this act, each licensee receiving the capital improvement and advertising, promotional, or marketing funds provided for in paragraph I shall report to the fiscal committee and account to the pari-mutuel commission as a separate supplement to its annual financial statement required under RSA 284:32-a. Such supplement shall be separately certified by the licensee's certified public accountant and shall show in such detail as the commission may require in writing, the itemized expenditures for the capital improvements approved by the fiscal committee under paragraph II. The supplement shall also show the expenditure for advertising, promotional, and marketing funds substantially in accord with the quarterly outlines submitted to the commission under paragraph III.

6 Study of Greyhound and Horse Racing Industry In New Hampshire. Within 30 days after the effective date of this act, as approved by the fiscal committee, the legislative budget assistant holding office under RSA 14:30 shall engage a certified public accounting firm, which is not employed by any of the licensees under RSA 284, and which is qualified to conduct economic studies and analyses, to make separate analyses of the greyhound racing industry and the horse racing industry as conducted in the state of New Hampshire and to make 2 separate reports not later than November 15, 1988, to the fiscal committee, the senate ways and means committee, and the house regulated revenues committee. Each report shall cover the following subjects and such other topics as directed by the fiscal committee:

I. The impact of the gross revenue tax under RSA 284:23 on the continued viability of greyhound and horse racing in New Hampshire.

II. A comparison of the takeout or commission and the tax on greyhound and horse racing in New Hampshire with the takeout or commission and taxes on greyhound and horse racing in other states, and an analysis of the impact on the differential in such state commissions and taxes.

III. The extent to which state funds are made available in other jurisdictions to make capital improvements and promote greyhound and horse racing.

IV. A comparison of the funds made available by the state to promote activities under RSA 284:21-a through 21-s with funds made available by the state for the promotion of activities under RSA 284:22 and RSA 284:23.

V. The effect of existing and proposed competition from pari-mutuel wagering in New England states and selected other states for the wagering dollar and the supply of greyhounds and horses.

VI. A survey of the number of persons employed directly or indirectly in greyhound and horse racing in New Hampshire and the economic impact of such employment on the state and local economy.

VII. An analysis of the effectiveness of capital improvements and promotional activities as described in paragraph I of section 5 of this act in improving the attendance and gross revenue produced at said tracks.

VIII. The relationship of graduated tax relief to the financial health of the greyhound and horse racing tracks in New Hampshire.

7 Cost of Study. The cost of the study conducted under section 6 of this act shall be a charge against the one percent fund created by section 5 of this act. Each licensee entitled to the fund shall bear its proportional share of the cost of such study. Expenditures for the study shall not exceed \$125,000.

8 Effective Date.

I. Sections 2 and 4 of this act shall take effect July 1, 1993.

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1988.

AMENDED ANALYSIS

Under this bill, as amended, until June 30, 1993, dog race licensees must pay a tax of 5 percent on all pari-mutuel pools other than win, place, and show pari-mutuel pools. Four percent must be paid to the state treasurer and the remaining one percent would be allocated among funds for capital expenditures for alterations, additions, replacement, major repairs to the property owned or leased by any dog track licensee, or funds for promotional and marketing purposes, including reducing the costs of admission, programs, parking, and concessions at the track. The amended bill also establishes the procedures by which each licensee receiving the capital improvement and promotional funds shall account to the fiscal committee of the general court and the pari-mutuel commission for these funds.

The bill, as amended, requires the legislative budget assistant to hire a certified public accounting firm to conduct an analysis of greyhound and horse racing in New Hampshire. The cost of this study shall be a charge against the fund established in this bill.

Conferees on the Part of the Senate:

Sens. Blaisdell, Dist. 10; Bartlett, Dist. 19; Hough, Dist. 5.

Conferees on the Part of the House:

Reps. Phelps, Merr. 1; Gage, Rock. 20; Gross, Merr. 16; Dion, Hills. 45.

Rep. Rounds spoke against the report.

Rep. Phelps spoke in favor of the report and yielded to questions.

Reps. Gross and Chambers spoke in favor of the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 306-FN

The committee of conference to which was referred Senate Bill 306-FN, An Act relative to low-dose mammography screening having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 417-D:3 as inserted by section 2 of the bill by deleting it and renumbering RSA 417-D:4 and 417-D:5 to read as 417-D:3 and 417-D:4 , respectively.

AMENDED ANALYSIS

This bill requires that insurers issuing or renewing any accident and health policy providing benefits for hospital expenses, medical-surgical expenses or major medical expenses provide in each group or individual policy, contract, or certificate of insurance issued or renewed to persons who are residents of this state, coverage for screening by low-dose mammography for all women 35 years of age or older to detect the presence of occult breast cancer.

The bill, as amended, establishes a committee to examine the need for regulation of persons operating x-ray equipment, including mammography machines, in New Hampshire. The committee shall also examine the age requirements established under this bill for insurance coverage for screening by low-dose mammography.

Conferees on the Part of the Senate:

Sens. Krasker, Dist. 24; Podles, Dist. 16; Bond, Dist. 1.

Conferees on the Part of the House:

Reps. Fraser, Merr. 6; Packard, Hills. 15; Copenhaver, Graf. 12; Sanderson, Rock. 25.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 310-FN-A

The committee of conference to which was referred Senate Bill 310-FN-A, An Act relative to the purchase and distribution of breathalyzer machines and making appropriations therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Blaisdell, Dist. 10; Dupont, Dist. 6; Johnson, Dist. 17.

Conferees on the Part of the House:

Reps. Musler, Straf. 3; Sytek, Rock. 20; Townsend, Graf. 13; Morrisette, Hills. 30.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 315-FN

The committee of conference to which was referred Senate Bill 315-FN, An Act relative to the personnel appeals board, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Stephen, Dist. 18; Freese, Dist. 4; Delahunty, Dist. 22.

Conferees on the Part of the House:

Reps. Hawkins, Belk. 5; McCain, Rock. 11; Ward, Graf. 1; King, Graf. 6.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 317-FN

The committee of conference to which was referred Senate Bill 317-FN, An Act relative to master plans and their housing sections having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Housing Section of Master Plan. RSA 674:2, III is repealed and reenacted to read as follows:

III. A housing section which analyzes existing housing resources and addresses current and future housing needs of residents of all levels of income of the municipality and of the region in which it is located, as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II.

Amend RSA 36:47, II as inserted by section 2 of the bill by replacing it with the following:

II. For the purpose of assisting municipalities in complying with RSA 674:2, III, each regional planning commission shall compile a regional housing needs assessment, which shall include an assessment of the regional need for housing for persons and families of all levels of income. The regional housing needs assessment shall be updated every 5 years and made available to all municipalities in the planning region.

AMENDED ANALYSIS

As amended, this bill adds the requirement that housing sections in master plans must include the housing needs of persons and families with all levels of income.

As amended, the bill also requires each regional planning commission to compile a regional housing needs assessment, which must be updated every five years.

Conferees on the Part of the Senate:

Sens. Charbonneau, Dist. 14; Heath, Dist. 3; Pressly, Dist. 12.

Conferees on the Part of the House:

Reps. Grodin, Ches. 6; Golden, Belk. 7; Brungot, Coos 8; Dykstra, Hills. 39.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 323-FN

The committee of conference to which was referred Senate Bill 323-FN, An Act relative to providing medical assistance to children who are disabled or victims of catastrophic illness having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 3 and 4 with the following:

3 Appropriation. There is hereby appropriated to the department of health and human services the sum of \$362,000 for the fiscal year ending June 30, 1989, for the purposes of this act. Said sum shall be in addition to any other sums previously appropriated to the department. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect January 1, 1989.

AMENDED ANALYSIS

This bill instructs the director of the division of human services to adopt rules relative to providing medical assistance to children under 18 years who are severely disabled. The bill appropriates \$362,000 for fiscal year 1989 to the department of health and human services to pay for such medical assistance.

The bill, as amended, establishes an oversight committee to review the coverage of the new severely disabled group. The committee is to report by April 1, 1989.

Conferees on the Part of the Senate:

Sens. Nelson, Dist. 13; White, Dist. 11; Dupont, Dist. 6.

Conferees on the Part of the House:

Reps. Wilson, Straf. 4; Tilton, Rock. 20; Sochalski, Rock. 23; Miller, Ches. 1.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 326-FN-A

The committee of conference to which was referred Senate Bill 326-FN-A, An Act establishing a New Hampshire rivers management and protection program and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph VI of section 2 of the bill by replacing it with the following:

VI. Connecticut River, excepting that segment north of the confluence of the Israel River in the town of Lancaster

Amend subparagraph (f) of paragraph I of section 3 of the bill by replacing it with the following:

(f) Connecticut River, excepting that segment north of the confluence of the Israel River in the town of Lancaster

Amend RSA 227-F as inserted by section 1 of the bill by inserting after 227-F:12 the following new section:

227-F:13 Acceptance and Expenditure of Funds.

I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other matching funds and incentives; and interests in land for the purposes of this chapter.

II. The rivers coordinator, with the approval of the commissioner and the advisory committee, may expend any funds received under paragraph I for the purposes of this chapter, and such funds are hereby appropriated.

Amend the bill by deleting section 5 and renumbering section 6 to read as 5.

AMENDED ANALYSIS

The bill, as amended, establishes the New Hampshire rivers management and protection program in the office of planning, department of environmental services, to be implemented by a state rivers coordinator. The state rivers coordinator is to be a classified state employee. The program establishes a process to nominate for protection rivers, river stretches, and streams representing significant examples of scenic, recreational, wildlife, cultural, historical, archaeological, hydrologic, and geologic resources, and high water quality levels. Nominations are to be reviewed by the commissioner of environmental services and presented to the general court for approval.

The bill encourages a comprehensive river corridor management planning process involving state, local, and regional planning groups and private groups and individuals.

The bill requires state agencies to review those actions affecting rivers or streams protected under the chapter to assure consistency of action and continued protection of the rivers and streams.

The bill, as amended, establishes a rivers management advisory committee composed of the commissioner of environmental services and representatives of business, industry, public water supply, and environmental protection interests. The committee is to advise the commissioner on river protection matters, and vote on the addition of rivers to the protected list.

The bill, as amended, allows the commissioner to accept and approve the expenditure of funds from any source for the purposes of the bill.

Conferees on the Part of the Senate:

Sens. Hounsell, Dist. 2; McLane, Dist. 15; Blaisdell, Dist. 10.

Conferees on the Part of the House:

Reps. Dingle, Straf. 4; Blanchard, Rock. 26; Sanderson, Rock. 25; Schwartz, Ches. 13.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 347-FN-A

The committee of conference to which was referred Senate Bill 347-FN-A, An Act increasing rates for shared homes and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dist. 4; Blaisdell, Dist. 10; Delahunty, Dist. 22.

Conferees on the Part of the House:

Reps. Butler, Rock. 11; Hawkins, Belk. 5; Sochalski, Rock. 23; O'Rourke, Hills. 35.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 349-FN-A

The committee of conference to which was referred Senate Bill 349-FN-A, An Act to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Blaisdell, Dist. 10; Dupont, Dist. 6; Torr, Dist. 21.

Conferees on the Part of the House:

Reps. Greene, Rock. 18; Millard, Merr. 4; LaMott, Graf. 5; Matson, Ches. 7.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 355-FN

The committee of conference to which was referred Senate Bill 355-FN, An Act appropriating additional sweepstakes revenues for foundation aid having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraphs II and III of section 3 of the bill by replacing them with the following:

II. Notwithstanding any other provision of law or administrative rule to the contrary, the department of revenue administration shall not consider the increase in sweepstakes distribution made by section 1 of this act, received during fiscal

year 1989 by any school district, as available revenue for purposes of establishing county, city, town, or school district tax rates for calendar year 1988, unless the school district, at an annual or special meeting held under paragraph III on or before September 30, 1988, votes not to spend all or part of the distribution, and votes affirmatively to use the balance to reduce taxes, in which case the balance shall be considered available revenue for such purposes.

III. The increased sweepstakes distribution made by section 1 of this act shall be available for expenditure only if such expenditure is approved at a special or annual school meeting as prescribed in RSA 197 and RSA 32; provided, however, that, for the purpose of this act only, the provisions of RSA 197:3 requiring a ballot vote by at least 1/2 of the number of voters entitled to vote at the most recent regular school district meeting shall be suspended, and a ballot vote of 1/20 of the number of voters entitled to vote shall be sufficient, and the provisions of RSA 197:3 requiring the school board to petition the superior court for permission to hold a special school district meeting with the same authority as an annual school district meeting shall not apply.

AMENDED ANALYSIS

This bill, as amended, increases the sweepstakes distribution appropriated for foundation aid for the current biennium by \$6,000,000 for each fiscal year, makes the appropriation nontransferable and nonlapsing, and adjusts the estimated sweepstakes revenue accordingly. The bill also eliminates the footnote on sweepstakes fund appropriation allocation from the foundation aid PAU.

The bill, as amended, requires the additional distribution for fiscal year 1988 to be made between July 1, 1988, and July 31, 1988, using the 1988 foundation aid formula. The bill also specifies that the additional sweepstakes distribution may be expended by school districts only after approval at an annual or special school district meeting. School districts will not be required to petition the superior court to hold such a special meeting, and instead of the usual special meeting restrictions relating to numbers of ballots (1/2 of all voters entitled to vote at the most recent regular school district meeting), 1/20 of such voters shall be sufficient to take action. If the voters at an annual or special meeting vote not to spend all or part of the distribution and only if they affirmatively vote to use the balance to reduce taxes, the balance shall be considered by the department of revenue administration as available revenue for establishing tax rates.

Conferees on the Part of the Senate:

Sens. Blaisdell, Dist. 10; Dupont, Dist. 6; Hough, Dist. 5.

Conferees on the Part of the House:

Reps. Hager, Merr. 21; Miller, Ches. 1; Robinson, Hills. 12; Sanderson, Rock. 25.

Report adopted.

UNANIMOUS CONSENT

Reps. Russell Chase and Blair addressed the House by unanimous consent.

RECESS

AFTER RECESS

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 12, recodifying the workers' compensation law.

HB 401, relative to video tape depositions.

HB 594, relative to county victim assistance programs and making an appropriation therefor.

HB 734, relative to posting of bond by administrators of estates.

HB 758, establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.

HB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem.

HB 821, legalizing certain town meetings and hearings.

HB 824, relative to area school district agreements.

HB 847, relative to indigent defense and making an appropriation therefor.

HB 237, limiting the civil liability of volunteers working on behalf of nonprofit organizations; establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers.

HB 606, relative to lock-up of children.

HB 832, establishing a 10-year bridge construction and reconstruction plan.

HB 852, relative to New Hampshire hospital personnel.

HB 858, relative to fetal alcohol syndrome.

HB 862, relative to solid waste disposal and source reduction.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides.

HB 881-FN, relative to weights and measures.

HB 897, relative to annual reports of county officers.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.

HB 932, establishing a New Hampshire film and television bureau.

HB 935, relative to recording plats.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district.

HB 962, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor.

HB 972, relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

HB 794, making capital appropriations and supplemental capital appropriations.

HB 978, legalizing certain town meetings and zoning board of adjustment proceedings.

HB 980, relative to penalties for sewage treatment violations.

HB 1081, naming a part of route 111 in the town of Windham the Waterhouse Memorial Road.

HB 1093, relative to reporting requirements of corporations having securities registered in this state.

HB 1109, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor.

HB 1129, relative to obtaining supplemental appropriations.

HB 625, relative to fees for boats and boat registration, and making certain appropriations.

HB 1137, relative to the reports required by and the setting of tax rates for municipalities, counties and school districts.

HB 1144, relative to civil penalties for violations by public utilities.

HB 1146, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer.

HB 1150, permitting the attorney general to hire part-time attorneys general.

HB 1159-FN, relative to the southeast regional refuse disposal district.

HB 1162, relative to AIDS education prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin.

HB 990, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor.

HB 1061, relative to retaining certain state-owned land overlooking Lake Winnisquam.

HB 1088, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor.

HB 1204, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.

HB 917, making technical changes for the department of revenue administration.

HB 1180, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor.

HB 551, establishing a study committee relative to computer-based public records.

HB 1200, relative to apportionment of damages.

COMMITTEE OF CONFERENCE REPORTS

HB 12, recodifying the workers' compensation law. (Report printed SJ 4/21)

Rep. Blanchette yielded to questions.

Report adopted.

HB 401, relative to video tape depositions. (Report printed SJ 4/21)

Report adopted.

HB 594, relative to county victim assistance programs and making an appropriation therefor. (Report printed SJ 4/21)

Rep. Daniel Eaton spoke against the report and yielded to questions.

Rep. Francis Robinson explained the report and yielded to questions.

Reps. Sytek and Palumbo spoke against the report.

Report lost.

Rep. Palumbo moved that the Committee of Conference on HB 594 be discharged and a new Committee of Conference be appointed.

Adopted.

The Speaker appointed Reps. Francis Robinson, Martling, Howard Townsend and Lussier.

SENATE MESSAGE
SUSPENSION OF JOINT RULES FOR INTRODUCTION
REQUESTS CONCURRENCE

SB 357, relative to legalizing the Seabrook town meeting and establishing the Seabrook Scholarship Fund.

SUSPENSION OF RULES

Rep. Palumbo moved that the rules be so far suspended as to permit introduction, referral to Committee, to dispense with hearings, Committee reports, the required notice in the Calendar, and to consider, adopt and order to third reading, after the deadlines, at the present time, on the following bill:

SB 357, relative to legalizing the Seabrook town meeting and establishing the Seabrook Scholarship Fund.

Rep. Cushing spoke in favor of the motion.

Adopted by the necessary two-thirds.

Question now being on the adoption of SB 357, relative to legalizing the Seabrook town meeting and establishing the Seabrook Scholarship Fund.

Rep. Felch spoke in favor of the motion.

Ordered to third reading.

SENATE MESSAGE
REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT
REQUESTS NEW COMMITTEE OF CONFERENCE

HB 917, making technical changes for the department of revenue administration.

The President appointed Sens. Freese, Bartlett and Disnard.

Rep. Palumbo moved that the Committee of Conference on HB 917, making technical changes for the department of revenue administration, be discharged and a new Committee of Conference be appointed.

Adopted.

The Speaker appointed Reps. Hawkins, William McCain, Hayes and Rosencrantz.

COMMITTEE OF CONFERENCE REPORTS

HB 734, relative to posting of bond by administrators of estates. (Report printed SJ 4/21)

Report adopted.

HB 758, establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility. (Report printed SJ 4/21)

Report adopted.

HB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem. (Report printed SJ 4/21)

Report adopted.

HB 821, legalizing certain town meetings and hearings. (Report printed SJ 4/21)

Report adopted.

HB 824, relative to area school district agreements. (Report printed SJ 4/21)

Rep. Cutting spoke against the report and yielded to questions.

Rep. Hounsell spoke in favor of the report.

Report adopted.

HB 847, relative to indigent defense and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

HB 237, limiting the civil liability of volunteers working on behalf of nonprofit organizations; establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers. (Report printed SJ 4/21)

Rep. Alf Jacobson spoke against the report and yielded to questions.

Rep. Thomas Gage spoke in favor of the report and yielded to questions.

Rep. Sytek spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 200 NAYS 125

YEAS 200

BELKNAP: Bolduc, Richard Campbell, Golden, Hardy, Holbrook, Jensen, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell and Saunders.

CHESHIRE: Corrigan, Delano, Doucette, Foster, Irvin Gordon, Grodin, Hunt, Miller, Parker, Perry, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Purrington and Theriault.

GRAFTON: Adams, Bean, Blair, Christy, Guest, Hammond, Rounds, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Boutwell, Bowers, Cox, Daigle, Ann Derosier, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Dykstra, Joseph M. Eaton, Fields, Granger, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Holden, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Levesque, Long, Mason, Bonnie McCann, Messier, Moore, Packard, Paquette, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Steiner, Stonner, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Beaton, Laurent Boucher, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Walter Robinson, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Haynes, Hynes, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McKinney, Palumbo, Seward, Simon, Skinner, Splaine, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Kinney, Lussier, Martling, Musler, Parks, Pelley, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Cutting, Domini, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 125

BELKNAP: Bowler, Dexter, Malcolm Harrington and Vogler.

CARROLL: Kenneth MacDonald and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Daniel Eaton, LaMar, Matson, Morse, William Riley and Schwartz.

COOS: Nelson and Oleson.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Densmore, Driscoll, Wayne King and LaMott.

HILLSBOROUGH: Alukonis, Baker, Baldizar, Bass, Lionel Boucher, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cusson, Gerard Desrochers, William Dion, Ducharme, Dwyer, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Healy, Michael Jones, Cornelius Keane, Donna Kelly, Lanzara, Lefebvre, Lown, Lozeau, McGlynn, McRae, Morrisette, Robert Murphy, Nixon, O'Rourke, Pappas, Pignatelli, Price, Reardon, Reidy, Leonard Smith, Soucy, Stiles, Sullivan, Wagner and Wood.

MERRIMACK: Eleanor Anderson, Bardsley, James Chandler, Dunn, Fillion, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Rehlander, Stio, Tupper and Wallner.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Flanagan, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Lovejoy, Mace, McGovern, Merchant, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Sherburne, Vaughn and Weddle.

STRAFFORD: Casey, Chamberlin, Frechette, Sandra Keans, Koromilas, Lachance, Laurion, William McCann, Francis Robinson and Ralph Torr.

SULLIVAN: Brodeur, Flint, McKee and Sara Townsend, and the report was adopted.

HB 606, relative to lock-up of children. (Report printed SJ 4/21)

Report adopted.

SENATE MESSAGE
ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 594-FN, relative to county victim assistance programs and making an appropriation therefor.

The President appointed Sens. Podles, Dupont and Blaisdell.

COMMITTEE OF CONFERENCE REPORTS

HB 832, establishing a 10-year bridge construction and reconstruction plan. (Report printed SJ 4/21)

Report adopted.

HB 852, relative to New Hampshire hospital personnel. (Report printed SJ 4/21)

Report adopted.

HB 858, relative to fetal alcohol syndrome. (Report printed SJ 4/21)

Report adopted.

HB 862, relative to solid waste disposal and source reduction. (Report printed SJ 4/21)

Report adopted.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides. (Report printed SJ 4/21)

Report adopted.

(Deputy Speaker Burns in the Chair)

HB 881-FN, relative to weights and measures. (Report printed SJ 4/21)

Report adopted.

HB 897, relative to annual reports of county officers. (Report printed SJ 4/21)

Report adopted.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing. (Report printed SJ 4/21)

Report adopted.

HB 932, establishing a New Hampshire film and television bureau. (Report printed SJ 4/21)

Report adopted.

HB 935, relative to recording plats. (Report printed SJ 4/21)

Report adopted.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district. (Report printed SJ 4/21)

Report adopted.

HB 962, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

HB 972, relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions. (Report printed SJ 4/21)

A division was requested.

195 members having voted in the affirmative and 85 in the negative, the report was adopted.

HB 794, making capital appropriations and supplemental capital appropriations. (Report printed SJ 4/21)

(Speaker in the Chair)

A roll call was requested. Sufficiently seconded.

YEAS 293 NAYS 16
YEAS 293

BELKNAP: Bolduc, Bowler, Richard Campbell, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Maviglio, Pearson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Clark, Cole, Corrigan, Daschbach, Delano, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, William Riley, Sawyer, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Densmore, Driscoll, Hammond, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Baker, Baldizar, Bass, Lionel Boucher, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne,

Chretien, Cid, Cote, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Donovan, Drolet, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lanzara, Leclerc, Levesque, Long, Lown, Lozeau, Mason, Bonnie McCann, Messier, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Rehlander, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Bert Ford, Thomas Gage, Gosselin, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Merchant, Palumbo, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Simon, Skinner, Splaine, Sytek, Tilton, Vartanian, Vaughn, Walker, Warburton, Weddle and Welch.

STRAFFORD: Appleby, Bates, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kinney, Lachance, Laurion, Martling, William McCann, Musler, Parks, Francis Robinson, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 16

BELKNAP: Dexter.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Bennett.

HILLSBOROUGH: Alukonis, Granger, Lefebvre, McGlynn, McRae and Shriver.

MERRIMACK: Eleanor Anderson, Burton Knight and Walter Robinson.

ROCKINGHAM: Carpenito and Lawrence A. Chase, Jr.

STRAFFORD: Koromilas, Lussier and Ralph Torr, and the report was adopted.

Rep. Wright abstained from voting under Rule 16.

(Deputy Speaker Burns in the Chair)

HB 978, legalizing certain town meetings and zoning board of adjustment proceedings. (Report printed SJ 4/21)

Report adopted.

HB 980, relative to penalties for sewage treatment violations. (Report printed SJ 4/21)

Report adopted.

HB 1081, naming a part of route 111 in the town of Windham the Waterhouse Memorial Road. (Report printed SJ 4/21)

Rep. Pearson yielded to questions.

A division was requested.

169 members having voted in the affirmative and 95 in the negative, the report was adopted.

HB 1093, relative to reporting requirements of corporations having securities registered in this state. (Report printed SJ 4/21)

Report adopted.

HB 1109, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

HB 1129, relative to obtaining supplemental appropriations. (Report printed SJ 4/21)

Rep. Scamman spoke in favor of the report.

Reps. Kidder, Densmore, Gross, Holbrook and Hager explained the report.

Rep. Kidder requested a roll call. Sufficiently seconded.

YEAS 296 NAYS 18
YEAS 296

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Maviglio, Pearson, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Clark, Cole, Corrigan, Daschbach, Delano, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, William Riley, Sawyer, Schwartz and David Young.

COOS: Brungot, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Densmore, Driscoll, Hammond, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Baker, Baldizar, Bass, Lionel Boucher, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Donovan, Drolet, Dube, Ducharme, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Gagnon, Genest, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lanzara, Leclerc, Levesque, Long, Lown, Lozeau, Bonnie McCann, McGlynn, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Rodgers, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Laurent Boucher, Dunn, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Stio, Tupper, Wallner, West, Whittimore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Merchant, Palumbo, Popov, Read, Ritzo, Rosencrantz, Sanderson, Scamman, Schwaner, Seward, Sherburne, Simon, Skinner, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Walker, Warburton, Weddle and Wright.

STRAFFORD: Appleby, Bates, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kincaid, Kinney, Laurion, Martling, William McCann, Musler, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 18

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Bennett.

HILLSBOROUGH: Alukonis, Frank, Granger, Lefebvre, Mason, McRae and Routhier.

MERRIMACK: Beaton, Philbrick, Rehlander and Walter Robinson.

ROCKINGHAM: Carpenito, Lawrence A. Chase, Jr. and Welch.

STRAFFORD: Koromilas, Lachance and Lussier.

SULLIVAN: None, and the report was adopted.

Rep. Ahern notified the Clerk that he wished to be recorded in favor of the report.

(Speaker in the Chair)

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 49(a) Committee of Conference reports shall be distributed to be acted upon on some subsequent day, be suspended on the following bills:

HB 551, establishing a study committee relative to computer-based public records.

HB 594, relative to county victim assistance programs and making an appropriation therefor.

HB 917, making technical changes for the department of revenue administration.

HB 990, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor.

HB 1061, relative to retaining certain state-owned land overlooking Lake Winnisquam.

HB 1088, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor.

HB 1180, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor.

SB 334, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor.

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct.

Rep. Wayne King spoke against the motion.

Rep. Palumbo spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS	259	NAYS	58
YEAS	259		

BELKNAP: Bolduc, Richard Campbell, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Pearson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Clark, Corrigan, Delano, Doucette, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Adams, Bean, Blair, Chambers, Christy, Densmore, Driscoll, Hammond, LaMott, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Baker, Bass, Lionel Boucher, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cox, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Donovan, Drolet, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Grip, Guilbert, Gureckis, Marian Harrington, Hatch, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lanza, Leclerc, Lefebvre, Levesque, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, Messier, Moore, Morrisette, O'Rourke, Packard, Paquette, Reidy, Ellen-Ann Robinson, Rodgers, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Stio, Wallner, West and Whitemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchard, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Magoon, Malcolm, William F. McCain, Palumbo, Ritzo, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Simon, Skinner, Splaine, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton and Weddle.

STRAFFORD: Appleby, Bates, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kincaid, Kinney, Koromilas, Laurion, Lussier, Martling, Musler, Parks, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 58

BELKNAP: Bowler, Dexter, Maviglio and Lawrence Richardson.

CARROLL: Schofield.

CHESHIRE: Cole, Daschbach, Daniel Eaton, William Riley and Schwartz.

COOS: Oleson.

GRAFTON: Arnesen, Bennett, Copenhaver and Wayne King.

HILLSBOROUGH: Baldizar, Cote, Cusson, Gagnon, Granger, Scott Green, Healy, Holden, Long, McRae, Robert Murphy, Pappas, Pignatelli, Price, Reardon and Sullivan.

MERRIMACK: Dunn, Douglas Hall, Burton Knight, Philbrick, Rehlander, Walter Robinson, Tupper and Yeaton.

ROCKINGHAM: Blanchette, Lawrence A. Chase, Jr., Cressy, Cushing, Hoar, Hollingworth, Mace, McGovern, Merchant, Popov, Read, Vaughn, Welch and Wright.

STRAFFORD: Chamberlin, Lachance, William McCann and Pelley.

SULLIVAN: Brodeur, and the motion was adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 334-FN-A

The committee of conference to which was referred Senate Bill 334-FN-A, An Act establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy.

I. The state of New Hampshire is committed to the development and maintenance of an educated and productive citizenry. To ensure this commitment, all persons should have an equal opportunity to acquire literacy, including basic reading, writing, speaking, listening, reasoning, and mathematics skills. The opportunity to access and acquire these skills should be provided through a variety of educational programs and methods to meet the different needs and abilities of children and youth. Special effort should be made to accommodate the literacy requirements of atypical or handicapped learners, and preventative measures should be taken to assure that students do not drop out of school.

II. Important to success in literacy training is that the student be alert and healthy during the instructional period. The state of New Hampshire recognizes that the ability of high school students to complete homework and remain alert throughout the school day is potentially affected by the number of hours students work at extracurricular activities, jobs, or sports. This relationship must be studied and assessed so that appropriate legislation can be crafted in the next legislative session.

2 New Subparagraph; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (u) the following new subparagraph:

(v) Administering the literacy education and dropout prevention program established in RSA 189:52-58.

3 New Subdivision; Literacy Instruction and Dropout Prevention. Amend RSA 189 by inserting after section 51 the following new subdivision:

Literacy Instruction and Dropout Prevention

189:52 Screening of Students. All school districts that provide elementary or secondary instruction are required to diagnostically screen to the extent of state funding all children upon their first entry to the school graded structure at kindergarten, first grade, or a higher grade level, unless previously diagnostically screened, to determine their levels of educational readiness. Diagnostic screening is a useful tool in the

development of programs for instruction in the literacy skills of reading, writing, speaking, listening, reasoning, and mathematics.

189:53 Literacy Skill Development in Elementary Grades. All school districts which provide elementary education shall have instruction in literacy for all students through grade 3, including instruction in reading, writing, speaking, listening, reasoning, and mathematics. All instruction shall be designed to assist students to achieve literacy and to provide the opportunity for each child to learn according to his needs and his abilities as set forth by the state board of education in the minimum standards for New Hampshire public elementary schools.

189:54 Literacy Instruction.

I. For purposes of this subdivision, an educationally disadvantaged child is one whose educational achievements are significantly less than his anticipated performance in reading, writing, speaking, listening, reasoning, and mathematics. The commissioner of education shall annually designate the state-wide level of supplemental services based upon criteria related to performance levels in reading, writing, speaking, listening, reasoning, and mathematics.

II. In order to be eligible to leave school voluntarily at age 16 or 17, a student shall demonstrate a minimum level of competency as determined by his local school board, commensurate with criteria selected by the local school board from guidelines established by the state board of education. In establishing these guidelines, the state board of education may give appropriate consideration to specific local needs and differences as presented by the local school board. The local school board shall establish procedures to determine whether a student has achieved the minimum competency level prior to his sixteenth birthday.

III. All school districts shall, to the extent of state funding, provide supplementary literacy instruction for students through grade 12. Services shall be provided first to those who are determined to be most educationally disadvantaged. Services shall focus on instruction in reading, writing, speaking, listening, reasoning, and mathematics. Program emphasis shall include in:

(a) Primary grades, intensive development of literacy skills, based upon the individual child's literacy knowledge.

(b) Grades 4-8, remediation in literacy, accomplished through small group instruction and individualized remediation.

(c) Grades 9-12, intensive remediation in literacy, accomplished through prescriptive remediation in small group or individualized setting.

IV. The costs for intensive literacy development in kindergarten through grade 3 for districts with kindergarten, and first grade through grade 3 for districts without kindergarten, and remediation in grades 4-12 shall be funded by the department of education to the extent of state funding. The department of education shall allocate funds among school districts based upon program plans submitted annually by the local school districts to the department of education, pursuant to paragraph VI of this section.

V. Programs for supplementary literacy instruction for students in primary through twelfth grades shall meet the following criteria, and shall be included in an annual plan submitted to, and subject to the approval of, the department of education:

(a) Services shall be based on an annual assessment of need.

(b) Programs shall have performance objectives evaluated annually.

(c) Plans shall provide detail on the types of supplementary services they may require.

Programs shall be provided technical assistance and monitoring by the department of education to the extent possible. School districts shall maintain records on the above criteria and allow access to records by the department of education.

VI. Funds allocated for this program shall be used to supplement, not replace, existing instructional activities.

VII. A person aggrieved by a determination made pursuant to this subdivision may appeal in order to demonstrate hardship or extenuating circumstances. Such appeals shall be handled in an expeditious manner through the administrative process ordinarily used by a local school district to resolve controversies between individuals and the local educational agency.

189:55 Dropout Prevention.

I. The department of education shall underwrite the costs of selected school district programs or services that address the academic, social, or personal needs of potential school dropouts. Proposals shall be funded through the office of dropout prevention.

II. Project proposals shall be selected and funds allocated through the office of dropout prevention at the discretion of the commissioner of education. These funds shall supplement, not replace, local, state or federal program funds expended for these purposes.

189:56 Advisory Council on Literacy and Dropout Prevention. There is established a state advisory council on literacy, dropout prevention, and youth employment. The council shall be composed of 11 members, 4 of whom shall be appointed by the governor; one of whom shall be a member of the house of representatives, appointed by the speaker; and one of whom shall be a member of the senate, appointed by the president of the senate. The members shall have demonstrated an interest or expertise in programs for literacy, dropout prevention and youth employment. The non-legislative membership shall include:

I. One teacher, appointed by the American Federation of Teachers;

II. One teacher, appointed by the National Education Association-New Hampshire;

III. One school board member, appointed by the New Hampshire School Board Association;

IV. One superintendent, appointed by the New Hampshire School Administrators' Association;

V. One principal, appointed by the New Hampshire School Principals' Association;

VI. One parent, appointed by the governor;

VII. One representative from labor, appointed by the governor;

VIII. One representative from business and industry appointed by the governor; and

IX. One member at large, appointed by the governor. Members of the council shall be residents of this state and shall serve without compensation for 2-year terms. Any vacancy shall be filled for the unexpired term in the same manner as the original appointment. The function of the advisory council is to advise the governor, the general court, state board of education, and the commissioners of education and labor on matters pertaining to literacy, dropout prevention, and youth labor and employment. The advisory committee shall develop and submit a biennial report on literacy, dropout prevention, and youth employment to the governor, the president of the senate, the speaker of the house, the state board of education, the department of labor, and the commissioners of education and labor. The department of education shall provide administrative support for the council. The council members shall choose a chairman from among them at the first meeting of the

council, which shall be held within 60 days of the effective date of this section and shall be called by the senate member of the committee.

189:57 Coordination with Special Population Programs.

Educational and youth employment programs serving special population students shall be coordinated with the requirements of this subdivision. All such coordinating efforts shall not exempt participating school districts or public or private employers from meeting all requirements of state or federal laws.

189:58 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the procedures and guidelines necessary to effect the purposes of this subdivision.

4 Appropriation.

I. The sum of \$50,000 is appropriated to the department of education for the biennium ending June 30, 1989, for the purpose of initiating the screening program established in RSA 189:52. Support for screening shall be based upon a sum equal to projected population to be screened, multiplied by no less than \$15. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$250,000 is appropriated to the department of education for the biennium ending June 30, 1989, for the purpose of funding the dropout prevention programs referred to in RSA 189:55. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Committee Established; Duties. There is established a legislative study committee to examine the problems of illiteracy and dropout prevention. The duties of the committee shall be:

I. To study the use of driver's license eligibility as well as other devices to encourage literacy.

II. Assemble statewide data on dropouts, including:

(a) the number of dropouts in New Hampshire;

(b) the reasons given for dropping out;

(c) programs that have proven successful in treating the dropout problem.

III. To study and assess the relationship between the number of hours per week that a student works or participates in sports, and that student's academic achievement.

IV. Any other issues the committee deems germane to the purposes of this act.

6 Membership. The membership of the committee shall be:

I. Four members from the house of representatives, appointed by the speaker of the house. One of these shall be a member of the house labor, industrial and rehabilitative services committee.

II. Four members from the senate, appointed by the president of the senate. One of these shall be a member of the senate insurance committee.

7 Meetings; Chair. The first meeting of the committee shall be called by the first-named senator appointed to the committee, and shall be held no later than May 15, 1988. The chair of the committee shall be chosen by the members at the first meeting.

8 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate, and the governor, before November 1, 1988.

9 Youth Employment; Hours of Work. Amend RSA 276-A:4 by inserting after paragraph V the following new paragraph:

VI. No youth 16 or 17 years of age who is duly enrolled in school shall be employed or permitted to work more than 36 hours during the school week.

10 Effective Date.

I. RSA 189:55, 189:56, and 189:58, as inserted by section 3 of this act, and section 4 of this act shall take effect 60 days after its passage.

II. Sections 5-9 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill institutes a program of comprehensive literacy screening and education in the areas of reading, writing, speaking, listening, reasoning and mathematics. The bill makes a nonlapsing appropriation of \$50,000 for the biennium to the department of education to fund the screening program.

Under this program, no student would be eligible to voluntarily leave school at age 16 or 17 unless he demonstrates a minimum level of competency as determined by his local school board.

The bill also provides for a state-supported dropout prevention program which would fund the costs of such programs on the local level. This project would be funded by a nonlapsing appropriation of \$250,000 for the biennium to the department of education.

The bill establishes an advisory council on literacy and dropout prevention to advise the governor and other executives on matters relating to literacy, dropout prevention and youth employment.

The bill also sets out the maximum hours per week that a young person aged 16 or 17 may work.

The bill contains provisions for appeals of decisions made pursuant to the laws established in this bill.

Conferees on the Part of the Senate:

Sens. Disnard, Dist. 8; Hough, Dist. 5; Bond, Dist. 1.

Conferees on the Part of the House:

Reps. Palumbo, Rock. 10; Keefe, Hills. 31; Robinson, Hills. 12; Lachance, Straf. 3.

Reps. Walter Robinson, Yeaton and Densmore spoke against the report.

Reps. Ellen-Ann Robinson and Palumbo spoke in favor of the report and yielded to questions.

Rep. Rehlander spoke against the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 163 NAYS 153

YEAS 163

BELKNAP: Bolduc, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Holbrook, Jensen, Pearson, Lawrence Richardson, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Clark, Delano, Doucette, Irvin Gordon, Grodin, Hunt, Miller, Morse, Parker, Perry and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Marsh, Oleson and Purrington.

GRAFTON: Adams, Bean, Christy, Hammond, Rounds, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Bowers, Burkush, A. Leslie Burns, Cid, Cox, Ann Derosier, William Desrosiers, William Dion, Domaingue, Drolet, Dube, Dykstra, Nancy Ford, Genest, Granger, Grip, Hatch, Holden, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Lanzara, Lozeau, Mason, Bonnie McCann, Moore, Morrisette, Paquette, Ellen-Ann Robinson, Sallada, Schneiderat, Steiner, Stonner, Tarpley, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Fillion, Fraser, George E. Gordon, Gross, Hager, Kidder, Lewis, Lockwood, Millard, Phelps, Stio, West and Whittimore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Elizabeth Greene, Robert Johnson, Roger King, Klemarczyk, Lovejoy, Mace, Malcolm, William F. McCain, McKinney, Palumbo, Ritzo, Schwaner, Seward, Simon, Skinner, Sochalski, Splaine, Sytek, Tufts, Vartanian, Vaughn and Walker.

STRAFFORD: Bates, Anita Flynn, Patricia Foss, Frechette, Robert Jones, Kincaid, Kinney, Lachance, Lussier, Martling, Parks, Ann Torr, Ralph Torr and John Young.

SULLIVAN: Behrens, Domini, Krueger, Lindblade, Normandin, Rodeschin, Schotanus and Sara Townsend.

NAYS 153

BELKNAP: Bowler, Golden, Maviglio and Thurston.

CARROLL: Schofield.

CHESHIRE: Cole, Corrigan, Daschbach, Daniel Eaton, Foster, LaMar, Matson, William Riley, Sawyer and Schwartz.

COOS: Kilbride, Mayhew, Nelson and Theriault.

GRAFTON: Arnesen, Bennett, Blair, Chambers, Copenhaver, Densmore, Driscoll, Wayne King, LaMott, Scanlan and Stewart.

HILLSBOROUGH: Ahern, Baker, Baldizar, Boutwell, Buckley, Champagne, Cote, Cusson, Daigle, Gerard Desrochers, Donovan, Ducharme, Dwyer, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Gagnon, Scott Green, Guilbert, Gureckis, Marian Harrington, Healy, Cornelius Keane, Donna Kelly, Alice Knight, Kurk, Leclerc, Lefebvre, Levesque, Long, Lown, McGlynn, McRae, Messier, Robert Murphy, O'Rourke, Packard, Pappas, Pignatelli, Price, Reardon, Reidy, Rodgers, Routhier, Shriver, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon, Wagner, Ware and Wood.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Dunn, Glibreth, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Manus, Pantzer, Philbrick, Rehlander, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Drake, Harry Flanders, Gosselin, Hoar, Hollingworth, Hynes, George Katsakiores, Phyllis Katsakiores, Maurice MacDonald, Magoon, McGovern, Merchant, Popov, Read, Rosencrantz, Sanderson, Sherburne, Tilton, Warburton, Weddle, Welch and Wright.

STRAFFORD: Appleby, Casey, Chamberlin, Dingle, Albert Dionne, Edward Flynn, Koromilas, Laurion, William McCann, Musler, Pelley, Francis Robinson, Spear, Swope, Wall and Wilson.

SULLIVAN: Brodeur, Cutting, Flint, Peyron and Spaulding, and the report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 345-FN

The committee of conference to which was referred Senate Bill 345-FN, An Act relative to disciplinary proceedings conducted by the committee on judicial conduct having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 490:30 as inserted by section 1 of the bill by replacing it with the following:

490:30 Committee on Judicial Conduct.

I. The committee on judicial conduct, established by rule of the supreme court, shall make available to the public a copy of the complaint, the committee's findings thereon, the transcript of any hearing, and a report of disciplinary actions taken with regard to the complaint; provided that the committee finds that the complaint was justified and that the person who is the subject of the complaint committed a violation of the Code of Judicial Conduct.

II. The provisions of paragraph I shall apply only after the review process of the complaint is completed. If the committee on judicial conduct issues a private reprimand or other informal adjustment with respect to the person who is the subject of the complaint, then the provisions of paragraph I shall not apply, unless the person who is the subject of the complaint shall have thereby received a total of 3 or more private reprimands or other informal adjustments during the 4 years preceding the filing of the most recent complaint. All private reprimands and other informal adjustments shall be reduced to a writing.

III. If the complaint referred to the committee on judicial conduct alleges conduct that would constitute a crime, the committee chairman shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not supercede the committee's jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the committee shall suspend its activities until the criminal proceedings, if any, are concluded.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill requires that the findings, rulings and decision in certain disciplinary actions against judges shall be available to the public after the review process is completed.

Such findings, rulings and decision shall be made public for private reprimands or other informal adjustments, only if the person who is the subject of the complaint has received 3 or more such reprimands or adjustments within the 4 preceding years.

If a complaint referred to the committee alleges conduct that constitutes a crime, the matter shall be referred to the attorney general.

Conferees on the Part of the Senate:

Sens. Bartlett, Dist. 19; Dupont, Dist. 6; Blaisdell, Dist. 10.

Conferees on the Part of the House:

Reps. Hager, Merr. 21; Koromilas, Straf. 6; Palumbo, Rock. 10; LaMar, Ches. 16.

Rep. Alf Jacobson spoke to the report.

Rep. Hager spoke in favor of the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 196 NAYS 104
YEAS 196

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Jensen, Maviglio, Pearson, Lawrence Richardson, Thurston and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Clark, Cole, Corrigan, Daschbach, Delano, LaMar, Matson, Miller, Parker, Sawyer, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Marsh, Oleson and Theriault.

GRAFTON: Adams, Chambers, Christy, Densmore, Driscoll, McAvoy, Scanlan, Stewart, Howard Townsend, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Bowers, Burkush, A. Leslie Burns, Champagne, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Donovan, Drolet, Dube, Ducharme, Dykstra, Joseph M. Eaton, Fields, Frank, Ruth Gage, Genest, Granger, Grip, Guilbert, Gureckis, Marian Harrington, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lanzara, Mason, Morrisette, Packard, Ellen-Ann Robinson, Sallada, Schneiderat, Shriver, Soucy, Stiles, Tarpley, Turgeon, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Beaton, Fraser, George E. Gordon, Gross, Hager, Hayes, Kidder, Burton Knight, Lewis, Manus, Millard, Nichols, Phelps, Philbrick, Rehlander, Stio, Tupper, Wallner and West.

ROCKINGHAM: Barnes, Benton, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Elizabeth Greene, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy,

Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Merchant, Palumbo, Ritzo, Sanderson, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Warburton, Welch and Wright.

STRAFFORD: Appleby, Casey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kincaid, Lussier, Musler, Parks, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Cutting, Domini, Flint, Krueger, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 104

BELKNAP: Bowler, Malcolm Harrington, Holbrook and Turner.

CARROLL: Dickinson.

CHESHIRE: Doucette, Irvin Gordon, Hunt, Morse and William Riley.

COOS: Kilbride, Mayhew, Nelson and Purrington.

GRAFTON: Arnesen, Bean, Bennett, Blair, Copenhaver, Wayne King and Ward.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bass, Boutwell, Cid, Cote, Nancy Ford, Gagnon, Scott Green, Hatch, Healy, Holden, Cornelius Keane, Leclerc, Lefebvre, Levesque, Lown, Lozeau, Bonnie McCann, McGlynn, McRae, Messier, Moore, Robert Murphy, O'Rourke, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Rodgers, Routhier, Leonard Smith, Steiner, Stonner, Sullivan, Wagner and Ware.

MERRIMACK: Eleanor Anderson, Bardsley, Dunn, Fillion, Gilbreth, Douglas Hall, Mary Holmes, Alf Jacobson, C. William Johnson, Lockwood, Pantzer, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Blanchard, Blanchette, Carpenito, Cressy, Cushing, Thomas Gage, Gosselin, Hoar, Hollingworth, Hynes, Robert Johnson, Magoon, McGovern, Popov, Read, Rosencrantz and Weddle.

STRAFFORD: Chamberlin, Koromilas, Lachance, Laurion, Martling, William McCann, Pelley, Francis Robinson and Swope.

SULLIVAN: Brodeur and Lindblade, and the report was adopted.

SUSPENSION OF RULES

Rep. Hardy moved that Joint Rule 24 be suspended on HB 1097, relative to underground storage tanks, so that the House may reconsider its action whereby it concurred with the Senate amendment.

Rep. Schwartz spoke in favor of the motion and yielded to questions.

Rep. Dickinson spoke in favor of the motion.

Adopted by the necessary two-thirds.

RECONSIDERATION

Rep. Hardy moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 1097, relative to

underground storage tanks, and nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, William McCann, Spear and Schwartz.

COMMITTEE OF CONFERENCE REPORTS

HB 625, relative to fees for boats and boat registration, and making certain appropriations. (Report printed SJ 4/21)

Report adopted.

HB 1137, relative to the reports required by and the setting of tax rates for municipalities, counties and school districts. (Report printed SJ 4/21)

Report adopted.

HB 1144, relative to civil penalties for violations by public utilities. (Report printed SJ 4/21)

Report adopted.

HB 1146, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer. (Report printed SJ 4/21)

Report adopted.

HB 1150, permitting the attorney general to hire part-time attorneys general. (Report printed SJ 4/21)

Report adopted.

HB 1159-FN, relative to the southeast regional refuse disposal district. (Report printed SJ 4/21)

Report adopted.

HB 1162, relative to AIDS education prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes. (Report printed SJ 4/21)

Report adopted.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin. (Report printed SJ 4/21)

Report adopted.

HB 990, relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

HB 1061, relative to retaining certain state-owned land overlooking Lake Winnisquam. (Report printed SJ 4/21)

Report adopted.

HB 1088, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

HB 1204, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 917, making technical changes for the department of revenue administration.

COMMITTEE OF CONFERENCE REPORT

HB 917, making technical changes for the department of revenue administration. (Report printed SJ 4/21)

Rep. Sanderson spoke to the report.

Rep. Hayes yielded to questions.

Rep. Marian Harrington requested a quorum count.

The Speaker declared a quorum present.

Rep. Marian Harrington spoke against the report.

Rep. William McCain spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 104 NAYS 202
YEAS 104

BELKNAP: Richard Campbell, Dexter, Hardy, Holbrook and Pearson.

CARROLL: Dickinson, Kenneth MacDonald and Saunders.

CHESHIRE: Clark, Delano, Daniel Eaton, Irvin Gordon, Hunt, Parker, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton and Marsh.

GRAFTON: Christy, Hammond, Stewart and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baldizar, Bass, Boutwell, Buckley, Ducharme, Dykstra, Fields, Granger, Grip, Healy, Humphrey, Keefe, Robert Kelley, Alice Knight, Mason, Rodgers, Steiner, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Fraser, Hayes, Alf Jacobson, C. William Johnson, Manus, Millard, Nichols, Pantzer, Phelps, Stio, West and Whittemore.

ROCKINGHAM: Benton, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Cooke, Drake, Felch, Harry Flanders, John Flanders, Beverly Gage, Hoar, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace,

Magoon, William F. McCain, McKinney, Palumbo, Rosencrantz, Schwaner, Seward, Sochalski, Sytek, Tufts and Vartanian.

STRAFFORD: Bates, Chamberlin, Dingle, Patricia Foss, Kinney, Lachance, Parks, Ann Torr and Wilson.

SULLIVAN: Krueger, Lindblade, Peyron, Rodeschin and Schotanus.

NAYS 202

BELKNAP: Golden, Malcolm Harrington, Jensen, Maviglio, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Robert Holmes, Hounsell and Schofield.

CHESHIRE: Blacketor, Cole, Corrigan, Daschbach, Doucette, Foster, LaMar, Matson, Morse, Perry, William Riley and Schwartz.

COOS: Kilbride, Mayhew, Nelson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Chambers, Copenhaver, Densmore, Driscoll, Wayne King, McAvoy, Rounds, Scanlan, Howard Townsend, Ward and Weymouth.

HILLSBOROUGH: Baker, Lionel Boucher, Bowers, Burkush, A. Leslie Burns, Champagne, Cid, Cote, Cox, Cusson, Daigle, Ann Derosier, William Desrosiers, William Dion, Domaingue, Donovan, Drolet, Dube, Dwyer, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Gureckis, Marian Harrington, Holden, Chris Jacobson, Cornelius Keane, Donna Kelly, Kurk, Lanzara, Leclerc, Lefebvre, Levesque, Long, Lown, Lozeau, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner and Ware.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, Dunn, Fillion, Gilbreth, George E. Gordon, Hager, Douglas Hall, Mary Holmes, Kidder, Burton Knight, Lewis, Lockwood, Philbrick, Rehlander, Tupper, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Blanchard, Blanchette, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Ellyson, Fesh, Flanagan, Bert Ford, Thomas Gage, Gosselin, Elizabeth Greene, Hollingworth, Hynes, Robert Johnson, Lovejoy, McGovern, Merchant, Popov, Read, Ritzo, Sanderson, Sherburne, Simon, Skinner, Splaine, Tilton, Vaughn, Warburton, Weddle, Welch and Wright.

STRAFFORD: Appleby, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Kincaid, Koromilas, Laurion, Lussier, Martling, William McCann, Musler, Pelley, Francis Robinson, Spear, Swope, Ralph Torr, Wall and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Normandin, Spaulding and Sara Townsend, and the report lost.

Rep. Malcolm notified the Clerk that he wished to be recorded in favor of the report.

SENATE MESSAGE
ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 594, relative to county victim assistance programs and making an appropriation therefor.

COMMITTEE OF CONFERENCE REPORTS

HB 594, relative to county victim assistance programs and making an appropriation therefor. (Report printed SJ 4/21)

Rep. Daniel Eaton spoke against the report.

Reps. Francis Robinson and Sytek spoke in favor of the report.

A division was requested.

175 members having voted in the affirmative and 127 in the negative, the report was adopted.

HB 1180, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor. (Report printed SJ 4/21)

Report adopted.

SENATE MESSAGE
ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1097, relative to underground storage tanks.

The President appointed Sens. Heath, Hounsell and Preston.

COMMITTEE OF CONFERENCE REPORTS

HB 551, establishing a study committee relative to computer-based public records. (Report printed SJ 4/21)

Rep. Wright spoke against the report.

(Deputy Speaker Burns in the Chair)

Reps. Hammond, Fields, Kenneth MacDonald and William McCann spoke in favor of the report.

Reps. Daschbach, Wayne King and Dexter spoke against the report.

A roll call was requested. Sufficiently seconded.

YEAS 64 NAYS 242
YEAS 64

BELKNAP: Hardy, Holbrook and Pearson.

CARROLL: Allard, Gene Chandler, Hounsell and Kenneth MacDonald.

CHESHIRE: Irvin Gordon.

COOS: Harold Burns and Marsh.

GRAFTON: Christy, Hammond, Rounds, Howard Townsend, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Boutwell, Cox, William Dion, Genest, Keefe, Alice Knight, Mason, Sallada, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Fraser, Kidder, Nichols, Phelps and Stio.

ROCKINGHAM: Barnes, Benton, William Boucher, Marilyn Campbell, Drake, Felch, John Flanders, Elizabeth Greene, Hoar, Robert Johnson, Klemarczyk, Maurice MacDonald, Malcolm, William F. McCain, Palumbo, Ritzo, Schwaner, Simon, Sochalski, Tufts and Vartanian.

STRAFFORD: Bates, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Parks, Ann Torr, Wilson and John Young.

SULLIVAN: Schotanus.

NAYS 242

BELKNAP: Richard Campbell, Dexter, Golden, Malcolm Harrington, Jensen, Maviglio, Lawrence Richardson, Thurston, Turner and Vogler.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Corrigan, Daschbach, Delano, Doucette, Daniel Eaton, Foster, Hunt, LaMar, Miller, Morse, Parker, Perry, William Riley, Sawyer, Schwartz and David Young.

COOS: Brungot, Frederic Foss, Guay, Horton, Kilbride, Mayhew, Nelson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Chambers, Copenhaver, Densmore, Driscoll, Wayne King, McAvoy, Scanlan, Stewart and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bass, Lionel Boucher, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Cid, Cote, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Ducharme, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Granger, Scott Green, Grip, Guilbert, Gureckis, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Robert Kelley, Donna Kelly, Kurk, Lanzara, Leclerc, Lefebvre, Levesque, Long, Lown, Lozeau, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner and Ware.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Dunn, Fillion, Gilbreth, George E. Gordon, Gross, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lockwood, Manus, Millard, Pantzer, Philbrick, Rehlander, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Blanchard, Blanchette, Butler, Eunice Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cooke, Cressy, Cushing, Ellyson, Fesh, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Hollingworth, Hynes, George Katsakiores, Phyllis Katsakiores, Roger King, Mace, Magoon, McGovern, McKinney, Merchant, Popov, Read, Rosencrantz, Sanderson, Seward, Sherburne, Skinner, Splaine, Sytek, Tilton, Vaughn, Warburton, Weddle, Welch and Wright.

STRAFFORD: Appleby, Casey, Dingle, Albert Dionne, Frechette, Robert Jones, Kincaid, Kinney, Koromilas, Lachance, Laurion,

Lussier, Martling, William McCann, Musler, Pelley, Francis Robinson, Spear, Swope, Ralph Torr and Wall.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Spaulding and Sara Townsend, and the report lost.

HB 1200, relative to apportionment of damages. (Report printed SJ 4/21)

Rep. Bass spoke against the report and yielded to questions.

Reps. Fraser, and Wright spoke in favor of the report.

Reps. C. William Johnson, Vaughn and Chambers spoke against the report.

Rep. Thomas Gage spoke in favor of the report and yielded to questions.

Rep. Lozeau requested a quorum count.

The Speaker declared a quorum present.

Rep. Lozeau spoke against the report.

Rep. Sytek spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 133 NAYS 177

YEAS 133

BELKNAP: Richard Campbell, Malcolm Harrington, Holbrook, Pearson, Lawrence Richardson, Thurston and Vogler.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Irvin Gordon, LaMar, Parker, Perry, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh and Nelson.

GRAFTON: Christy, Driscoll, Hammond, McAvoy, Scanlan, Stewart, Howard Townsend, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Bowers, Cox, Daigle, William Desrosiers, William Dion, Drolet, Fields, Grip, Guilbert, Holden, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Mason, Bonnie McCann, McRae, Moore, Packard, Ellen-Ann Robinson, Rodgers, Sallada, Steiner, Stiles, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Fraser, George E. Gordon, Hager, Hayes, Kidder, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, West and Whittemore.

ROCKINGHAM: Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Cooke, Drake, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Roger King, Magoon, Malcolm, William F. McCain, McKinney, Palumbo, Simon, Skinner, Sochalski, Sytek, Tilton, Vartanian, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bates, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Martling, Musler, Parks, Swope, Ann Torr, Wilson and John Young.

SULLIVAN: Krueger, Lindblade, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 177

BELKNAP: Dexter, Golden, Hardy, Jensen, Maviglio and Turner.

CARROLL: Russell Chase and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Corrigan, Daschbach, Delano, Doucette, Daniel Eaton, Foster, Hunt, Matson, Miller, Morse, William Riley and Schwartz.

COOS: Mayhew, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Copenhagen, Densmore, Wayne King, LaMott, Rounds and Ward.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bass, Lionel Boucher, Boutwell, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cusson, Ann Derosier, Gerard Desrochers, Domaingue, Donovan, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Granger, Scott Green, Gureckis, Marian Harrington, Healy, Chris Jacobson, Donna Kelly, Lanzara, Lefebvre, Levesque, Long, Lown, Lozeau, McGlynn, Messier, Morrisette, Robert Murphy, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Routhier, Schneiderat, Shriver, Leonard Smith, Soucy, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk and Wagner.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Dunn, Fillion, Gilbreth, Douglas Hall, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Philbrick, Rehlander, Stio, Tupper, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Blanchard, Blanchette, Eunice Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Flanagan, Bert Ford, Gosselin, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, McGovern, Merchant, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Splaine, Tufts, Vaughn and Weddle.

STRAFFORD: Casey, Albert Dionne, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, William McCann, Pelley, Francis Robinson, Spear, Ralph Torr and Wall.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Normandin and Sara Townsend, and the report lost.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 1097, relative to underground storage tanks.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that House Rule 49(a) Committee of Conference reports shall be distributed to be acted upon on some subsequent day, be suspended on HB 1097, relative to underground storage tanks.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT

HB 1097, relative to underground storage tanks. (Report printed SJ 4/21)

Report adopted.

RECONSIDERATION

Rep. Ward moved that the House reconsider its action whereby it rejected the Committee of Conference report on HB 917, making technical changes for the department of revenue administration, and spoke to her motion.

Rep. Marian Harrington spoke against the motion.

Reps. Densmore and Palumbo spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 223 NAYS 89
YEAS 223

BELKNAP: Richard Campbell, Dexter, Hardy, Holbrook, Jensen, Pearson, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Blacketer, Clark, Cole, Delano, Daniel Eaton, Irvin Gordon, Hunt, Miller, Morse, Parker, Sawyer, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Marsh, Mayhew, Nelson, Oleson and Theriault.

CRAFTON: Adams, Bean, Chambers, Copenhaver, Densmore, Driscoll, Hammond, LaMott, McAvoy, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Bass, Boutwell, Bowers, Burkush, Cid, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Drolet, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Granger, Scott Green, Grip, Gureckis, Holden, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Alice Knight, Kurk, Lanzara, Lefebvre, Bonnie McCann, Messier, Moore, Packard, Pappas, Pignatelli, Ellen-Ann Robinson, Rodgers, Sallada, Schneiderat, Shriver, Steiner, Sullivan, Tarpley, Vanderlosk, Wagner, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Beaton, Laurent Boucher, Fillion, Fraser, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Millard, Nichols, Pantzer, Phelps, Stio, Tupper, Wallner, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Elizabeth Greene, Hoar, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, Merchant, Palumbo, Popov, Read, Ritzo, Sanderson, Schwaner, Seward, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Vaughn, Weddle, Welch and Wright.

STRAFFORD: Appleby, Bates, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kinney, Koromilas, Martling, Parks, Pelley, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Cutting, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 89

BELKNAP: Golden, Malcolm Harrington, Maviglio and Vogler.

CARROLL: Russell Chase and Schofield.

CHESHIRE: Corrigan, Daschbach, Doucette, Foster, LaMar, Matson, Perry and William Riley.

COOS: Kilbride.

GRAFTON: Arnesen, Blair, Christy, Wayne King and Rounds.

HILLSBOROUGH: Baker, Baldizar, Lionel Boucher, Buckley, A. Leslie Burns, Champagne, Chretien, Cote, Donovan, Gagnon, Guilbert, Marian Harrington, Healy, Cornelius Keane, Donna Kelly, Leclerc, Levesque, Long, Lown, Lozeau, Mason, McGlynn, McRae, Morrisette, Robert Murphy, Paquette, Price, Reardon, Reidy, Routhier, Leonard Smith, Soucy, Stiles, Stonner and Turgeon.

MERRIMACK: Eleanor Anderson, Bardsley, Dunn, Gilbreth, George E. Gordon, Burton Knight, Manus, Philbrick, Rehlander and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Eunice Campbell, Carpenito, Cressy, Cushing, Gosselin, Hollingworth, McKinney, Rosencrantz, Sherburne, Splaine and Warburton.

STRAFFORD: Frechette, Kincaid, Lachance, Laurion, Lussier, William McCann, Musler, Francis Robinson and Ralph Torr.

SULLIVAN: Brodeur and Domini, and the motion was adopted.

Question now being on the adoption of the Committee of Conference report on HB 917, making technical changes for the department of revenue administration.

Rep. Ward spoke in favor of the report and yielded to questions.

Rep. Sanderson spoke against the report.

(Deputy Speaker Burns in the Chair)

Rep. Marian Harrington spoke against the report.

Rep. Scamman explained the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 171 NAYS 139
YEAS 171

BELKNAP: Richard Campbell, Hardy, Holbrook, Pearson and Lawrence Richardson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Clark, Delano, Doucette, Irvin Gordon, Miller, Morse, Sawyer and David Young.

COOS: Brungot, Frederic Foss, Guay, Horton, Marsh and Nelson.

GRAFTON: Adams, Christy, Hammond, LaMott, McAvoy, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Baldizar, Bass, Boutwell, Bowers, Burkush, Cid, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Donovan, Drolet, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Ruth Gage, Genest, Granger, Grip, Gureckis, Healy, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Alice Knight, Kurk, Lanzara, Lown, Mason, Bonnie McCann, Moore, Packard, Rodgers, Routhier, Sallada, Schneiderat, Steiner, Sullivan, Wagner, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Laurent Boucher, Fillion, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Millard, Nichols, Phelps, Stio, Tupper, West and Whitemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Carpenito, Lawrence A. Chase, Jr., Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, Palumbo, Ritzo, Scamman, Schwaner, Seward, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian, Welch and Wright.

STRAFFORD: Appleby, Bates, Chamberlin, Dingle, Anita Flynn, Patricia Foss, Robert Jones, Kinney, Koromilas, Martling, Parks, Pelley, Swope, Ann Torr and Wilson.

SULLIVAN: Cutting, Flint, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 139

BELKNAP: Dexter, Golden, Malcolm Harrington, Jensen, Maviglio, Thurston, Turner and Vogler.

CARROLL: Russell Chase and Schofield.

CHESHIRE: Blacketor, Cole, Corrigan, Daschbach, Daniel Eaton, Foster, Hunt, LaMar, Matson, Parker, Perry, William Riley and Schwartz.

COOS: Kilbride, Mayhew, Oleson and Theriault.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Densmore, Driscoll, Rounds and Scanlan.

HILLSBOROUGH: Alukonis, Baker, Lionel Boucher, Buckley, A. Leslie Burns, Champagne, Chretien, Cote, Domaingue, Dube, Dwyer, Fields, Nancy Ford, Frank, Gagnon, Scott Green, Guilbert, Marian Harrington, Holden, Cornelius Keane, DonnaKelly, Leclerc, Lefebvre, Levesque, Long, Lozeau, McGlynn, McRae, Messier, Morrisette, Robert Murphy, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Shriver, Leonard Smith, Soucy, Stiles, Stonner, Tarpley, Turgeon and Vanderlosk.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Dunn, Gilbreth, George E. Gordon, Douglas Hall, Burton Knight, Pantzer, Philbrick, Rehlander, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Eunice Campbell, Conroy, Cressy, Cushing, Ellyson, Bert Ford, Gosselin, Hoar, Hollingworth, Hynes, Lovejoy, McGovern, McKinney, Merchant, Popov, Read, Rosencrantz, Sanderson, Sherburne, Splaine, Tilton, Vaughn, Warburton and Weddle.

STRAFFORD: Casey, Albert Dionne, Edward Flynn, Frechette, Kincaid, Lachance, Laurion, Lussier, Musler, Francis Robinson, Spear, Ralph Torr, Wall and John Young.

SULLIVAN: Behrens, Brodeur, Domini and Normandin, and the report was adopted.

RECONSIDERATION

Rep. Cole moved that the House reconsider its action whereby it adopted the Committee of Conference report on HB 962, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor, and spoke to his motion.

Rep. Pearson spoke against the motion.

Motion lost.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor.

SB 289, authorizing the hiring of a consultant to study the effectiveness of the foundation aid formula.

SB 306, relative to low dose mammography screening.

SB 310-FN-A, relative to the purchase and distribution of breath analyzer machines and making an appropriation therefor.

SB 315, relative to the personnel appeals board.

SB 347, increasing rates for shared homes and making an appropriation therefor.

SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct.

SB 334, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor.

SB 261, relative to setting seasons and bag limits on small game birds and animals.

SB 305, relative to pari-mutuel pools at dog races.

SB 301, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike.

SB 326, establishing a New Hampshire rivers management and protection program and making an appropriation therefor.

SB 317-FN, relative to master plans and their housing sections.

SB 323, relative to providing medical assistance to children who are disabled or victims of catastrophic illness.

SB 355, appropriating additional sweepstakes revenues for foundation aid.

SB 279, relative to motor vehicle emissions testing.

SB 304, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

SB 302-FN, relative to fireworks.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION
Third reading and final passage

SB 357, relative to legalizing the Seabrook town meeting and establishing the Seabrook Scholarship Fund.

Rep. Joseph Eaton moved that the House stand in recess for the purpose of Enrolled Bills Amendments and Enrolled Bills Reports only.
Adopted.

The House recessed at 9:10 p.m.

RECESS

(Rep. Beverly Gage in the Chair)

ENROLLED BILL AMENDMENT

HB 1133-FN, relative to home rule and municipal charters.

Amendment

Amend line 3 of page 2 of the bill by replacing it with the following:

general laws or the constitution of this state.

Amend line 14 of page 9 of the bill by replacing it with the following:

state under RSA 49-B:5-a may seek review by way of appeal

This amendment corrects a typographical error and removes an incorrect cross reference.

Adopted.

ENROLLED BILLS REPORT

HB 353, relative to municipalities acquiring certain housing projects.

HB 627, to provide a loss carryforward under the business profits tax and relative to partnership and proprietorship deduction for compensation.

HB 674, relative to accidental disability benefits for New Hampshire retirement system members and to retirement benefits for certain legislative and constitutional officers.

HB 740, establishing standards for marital mediators and relative to voluntary marital mediation in divorce proceedings.

HB 756, prohibiting interference with police dogs or horses.

HB 818, relative to the taking of trout.

HB 819, relative to the setting of black bear seasons and emergency closing of seasons.

HB 820, relative to the hunter education program and bow and arrow licenses.

HB 850, exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond and relative to mineral extraction.

HB 1021, relative to the treatment and care of alcohol abusers, substance abusers, and alcohol and substance abusers.

HB 1080, relative to nongame species and making a continuing appropriation therefor.

HB 1092, amending the 10-year highway plan.

HB 1112, relative to the Head Start program and making an appropriation therefor.

HB 1128, establishing child support guidelines, and establishing a committee to study child support issues.

HB 1147, prohibiting persons who have been convicted of child pornography, felonious physical assault on a minor, or any sexual assault, from engaging in activities relating to the care of children.

HB 1154, permitting the Waterville Estates village district to exceed its debt limitation.

SB 342, amending the certificate of need law.

Rep. Raymond C. Buckley
For the Committee.

RECESS

(Rep. Dexter in the Chair)

ENROLLED BILLS AMENDMENTS

HB 810-FN, relative to overseas voters.

Amendment

Amend the bill by replacing lines 6-9 on page 4 with the following:

be entitled to vote by overseas citizens absentee ballot at both federal primary and general elections. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial.

Amend the bill by replacing line 8 on page 7 with the following:

8 Reference to Federal Post Card Application Form Added. Amend RSA 657:12 to read as follows:

Amend the bill by replacing lines 1-8 on page 8 with the following:

the secretary of state, the federal [government] *post card application*, or a written statement containing the information required by RSA 657:4, [or the federal application form,] a town or city clerk shall send the materials provided for in RSA 657:8 or 657:9, *as applicable*, regardless of whether the applicant appears on the checklist. Whenever an armed services voter requests a state general election [absentee] ballot prior to October 1 to be mailed to an address *in Canada or Mexico or in any other country* outside of the *continental* United States [or Canada], he shall be sent the same ballot as provided in RSA 656:34.

This amendment incorporates an amendment to RSA 654:23 made earlier this session by HB 731, which became chapter 73, and inserts amending language. It also corrects boldface type and brackets in section 10.

Adopted.

SB 294-FN, relative to the catastrophic aid formula.

Amendment

Amend the bill by replacing lines 1-5 on page 1 with the following:

1 Formula Changed. Amend RSA 186-C:18, III to read as follows:

Amend the bill by replacing line 2 on page 3 with the following:

such emergency assistance purposes, the funds shall be used to assist school

Amend the bill by replacing line 5 on page 3 with the following:

2 New Paragraph; Study of Catastrophic Aid Formula. Amend 1987, 264:1

Amend the bill by replacing lines 12-14 on page 3 with the following:

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 1988.

II. The remainder of this act shall take effect upon its passage.

This amendment deletes an unnecessary section of the bill, corrects a typographical error, and rennumbers sections.

Adopted.

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

Amendment

Amend the bill by replacing lines 10 and 11 on page 2 with the following:

inserting after subparagraph (y) the following new subparagraph:

(z) Money received under RSA 270:46-a, which shall be credited to

This amendment is necessary to renumber an RSA provision inserted by this bill to avoid duplicating the numbering of RSA provisions already inserted earlier this session by HB 968 and HB 1091, which became chapters 17 and 105, respectively.

Adopted.

HB 940, relative to child support enforcement and paternity.

Amendment

Amend the bill by replacing line 11 on page 1 with the following:

2 Interest Rate on Support Debt. Amend RSA 161-C:23 to read as follows:

This amendment inserts missing amending language in section 2 of the bill.

Adopted.

HB 784, relative to disclosure of securities takeovers.

Amendment

Amend the bill by replacing lines 1-17 on page 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

This amendment is necessary to eliminate duplicative amendments to RSA 421-A already amended by HB 781, which was enacted earlier this session as Chapter 62.

Adopted.

HB 1188-FN, establishing age limits for operators of off highway recreational vehicles and amending compliance dates for manufacturers of all terrain vehicles

Amendment

Amend the bill by replacing lines 11 and 12 on page 7 with the following:

by inserting after paragraph X the following new paragraph:

XI. Consult with and assist the executive director, department of

Amend the bill by replacing lines 17-20 on page 7 with the following:

11 Contingency. If HB 803 of the 1988 regular session becomes law, section 4 of this act shall not take effect.

12 Effective Date.

I. Section 10 of this act shall take effect March 1, 1989.

II. The remainder of this act shall take effect 60 days after its passage.

This amendment is necessary to renumber an RSA provision to avoid duplicating the numbering of an RSA provision already inserted by SB 260 of the 1988 session, which became chapter 118. The amendment also inserts a contingency provision to nullify an amendment identical to an amendment in HB 803, if HB 803 becomes law.

Adopted.

HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization; and relative to revival of charters of dissolved nonprofit organizations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to revive the charter of the Fuller Foundation
of New Hampshire, Inc., a nonprofit organization.

Amend the bill by deleting section 2 and renumbering the
original section 3 to read as 2.

This amendment is necessary to eliminate a duplicative amendment
to RSA 292:30, II already amended by HB 1063-FN, which was enacted
earlier this session as chapter 93. The amendment also amends the
title to delete references to the eliminated text.

Adopted.

HB 753, reinstating the charter of Bethlehem Mink Farm, Inc.
and the charter of James A. Smith Contracting, Inc.; and relative to
revival of charters of dissolved nonprofit organizations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

reinstating the charter of Bethlehem Mink Farm, Inc.
and the charter of James A. Smith Contracting, Inc.

Amend the bill by deleting section 3 and renumbering the
original section 4 to read as 3.

This amendment is necessary to eliminate a duplicative amendment
to RSA 292:30, II already amended by HB 1063-FN, which was enacted
earlier this session as chapter 93. The amendment also amends the
title to delete references to the eliminated text.

Adopted.

ENROLLED BILLS REPORT

HB 964, granting law enforcement officials and certain
employees of the department of health and human services the right
to enter, without the consent of parent or guardian, public places
to interview children who may be abused or neglected.

HB 1103, relative to state-owned surplus real estate to be
used to establish affordable housing for low and moderate income
persons.

HB 1158, relative to extension of the authority of the
division of water supply and pollution control relative to safe
drinking water.

SB 322, relative to petroleum pollution cleanup.

SB 265, relative to the operation of a bank acquired in a
consolidation and to banking department fees and requirements.

SB 291, relative to refunds of insurance premiums.

HB 748, relative to the division of historical resources,
creating the position of state curator, and making an appropriation
therefor.

HB 765, relative to printing of "New Hampshire Historical Markers," and making an appropriation therefor, and relative to a memorial for governor Sherman Adams.

HB 814, relative to fines imposed by and the staff of the pharmacy board, and relative to making an appropriation to the pharmacy board.

HB 863, relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors, establishing a police communications specialist position within the division of state police, and making an appropriation therefor.

HB 942, relative to treatment by physical therapy.

Rep. Elizabeth Hager
Sen. John P.H. Chandler
For the Committee.

RECESS

(Rep. Lewis in the Chair)

ENROLLED BILLS AMENDMENTS

HB 876, relative to restricting waterskiing in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire.

Amendment

Amend the bill by replacing section 3 with the following:

3 Contingent Provision. If SB 258 of the 1988 regular session becomes law, RSA 486:33 as inserted by section 1 of this act shall be renumbered as RSA 486:36. If SB 258 does not become law, RSA 486:33 as inserted by section 1 of this act shall be renumbered as RSA 486:35.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

This amendment inserts a contingency provision into the bill which will renumber an RSA section, whether or not SB 258 of this session becomes law.

Adopted.

HB 639-FN, relative to certification of soil scientists and establishing a board of natural scientists.

Amendment

Amend the bill by replacing line 10 on page 15 with the following:

5 Prohibition Effective. No prohibition established under this act,

Amend the bill by replacing line 14 on page 15 with the following:

6 Effective Date. This act shall take effect June 30, 1988.

This amendment corrects an error in numbering the sections of the bill.

Adopted.

HB 842, granting county commissioners planning and zoning authority in unincorporated and unorganized places.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

granting county commissioners planning and zoning authority
in unincorporated and unorganized places and establishing
a legislative study committee relative to these places.

The committee of conference added a legislative study committee to the bill which was not reflected in the title.

Adopted.

HB 803, relative to snowmobile operation and changing compliance dates for ATV manufacturers.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to OHRV operation and changing
compliance dates for ATV manufacturers.

This amendment changes the title of the bill to more accurately reflect its content.

Adopted.

SB 305-FN, relative to pari-mutuel pools at dog races and authorizing a study of greyhound racing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to pari-mutuel pools at dog races
and authorizing a study of greyhound and horse racing.

This amendment to the title is necessary to incorporate changes made by the committee of conference.

Adopted.

HB 972, relative to annulments of drug convictions and convictions which may be counted toward habitual offender status, and permitting the director of motor vehicles to review revocation

of licenses of habitual offenders for possible restoration under certain conditions.

Amendment

Amend the bill by replacing lines 9-11 on page 4 with the following:

7 Operating After Habitual Offender Order; Combining HB 480 Changes. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in [the] a county [house of correction] *correctional facility*. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

8 Provision Nullified. 1988, 89:21 shall not take effect.

9 Effective Date.

I. Sections 5 and 6 of this act shall take effect January 1, 1989.

II. Section 7 of this act shall take effect June 17, 1988.

III. The remainder of this act shall take effect upon its passage.

This amendment inserts a new version of an RSA provision which combines the changes made by HB 480 passed earlier this session, which became chapter 89.

Adopted.

HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor, and relative to certain major capital projects and water pollution control revolving loan fund.

Amendment

Amend the title of the bill by replacing it with the following:

relative to a ski lodge and improvements at Mount Sunapee and making an appropriation therefor, and relative to certain major capital projects and the water pollution control revolving loan fund.

This amendment to the title of the bill is necessary to incorporate changes made by the committee of conference.

Adopted.

HB 763, relative to the operation of ski craft on the lakes, ponds, and rivers of the state.

Amendment

Amend the bill by replacing line 3 on page 5 with the following:

XII. Big Squam Lake in the towns of Sandwich, Moultonborough, Centre Harbor, and Holderness.

This enrolled bill amendment corrects a transcription error in the bill.

Adopted.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee.

Amendment

Amend the bill by replacing section 2 with the following:

2 Contingent Provision.

I. If both SB 258 and HB 876 of the 1988 regular session become law, RSA 486:34 as inserted by section 1 of this act shall be renumbered as RSA 486:37.

II. If either SB 258 or HB 876 do not become law, RSA 486:34 as inserted by section 1 of this act shall be renumbered as RSA 486:36.

III. If neither SB 258 nor HB 876 become law, RSA 486:34 as inserted by section 1 of this act shall be renumbered as RSA 486:35.

3 Effective Date. This act shall take effect 60 days after its passage.

This amendment inserts a contingency provision into the bill which will renumber an RSA section, whether either, both, or neither SB 258 or HB 876 of this session becomes law.

Adopted.

HB 1081-FN, naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road, requiring year-round maintenance for Base Road in the town of Carroll and amending various highway and motor vehicle laws.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road and amending various highway and motor vehicle laws.

This amendment to the title of the bill is necessary to reflect the changes made by the committee of conference.

Adopted.

HB 897, relative to annual reports of county officers.

Amendment

Amend the bill by replacing line 2 on page 1 with the following:

30:1 Reports; Publication; Penalty. The sheriff,
the superintendent of the county department of
corrections, [the

This amendment is necessary to incorporate a change to RSA 30:1 made by HB 480, enacted earlier this session as chapter 89.

Adopted.

RECESS

(Rep. Parks in the Chair)

HB 594-FN, relative to victims' assistance and establishing a victims' assistance fund.

Amendment

Amend the bill by replacing lines 11 and 12 on page 3 with the following:

(2) receives substantial financial support from
sources other than the fund.

Amend the bill by replacing line 15 on page 3 with the following:

5 Contingent Provisions.

I. If HB 885 of the 1988 regular session becomes law, RSA 6:12, I(2) as inserted by section 3 of this act shall be redesignated as RSA 6:12, I(aa).

II. If SB 331 of the 1988 regular session becomes law, RSA 21-M:8-c as inserted by section 4 of this act shall be redesignated as RSA 21-M:8-e.

6 Effective Date. This act shall take effect January 1, 1989.

This amendment is necessary to contingently renumber certain RSA provisions inserted by this bill, to avoid duplication of numbers of sections inserted by HB 885 and SB 331.

The amendment also makes a grammatical correction.

Adopted.

HB 847-FN-A, relative to indigent defense and making an appropriation therefor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to indigent defense.

This title amendment is necessary because the appropriation was deleted from the bill by the committee of conference.

Adopted.

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown.

Amendment

Amend the bill by replacing lines 1-3 on page 1 with the following:

1 Little Diamond Pond. Amend RSA 486 by inserting after section 34 the following new section:
486:35 Little Diamond Pond.

This amendment is necessary to renumber the RSA section inserted by this bill to avoid duplicating the numbering of RSA sections already inserted earlier this session by HB 741 and SB 245, which became chapter 21 and 82, respectively.

Adopted.

RECESS

(Rep. Chambers in the Chair)

SB 310-FN-A, relative to the purchase and distribution of breath analyzer machines and making an appropriation therefor.

Amendment

Amend the bill by replacing line 4 on page 2 with the following:
analyzer machines pursuant to sections 1 and 2 of this act.

This amendment corrects a cross reference in the bill.

Adopted.

HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.

Amendment

Amend lines 4-7 of page 17 of the bill by replacing them with the following:

14 Conditional Provision. If HB 858, An Act relative to fetal alcohol syndrome, of the 1988 regular session of the general court becomes law, then RSA 457:23, II as inserted by section 6 of the bill shall be renumbered to read as RSA 457:23, III. In addition, the cross-reference to RSA 457:23, II in RSA 141-F:3, XIII as inserted by section 2 of this act shall be changed to RSA 457:23, III.

15 Effective Date.

I. Sections 3, 4, 5, 6, and 10 of this act shall take effect 120 days after its passage.

II. The remainder of this act shall take effect upon its passage.

This amendment is necessary to prevent duplicative numbering of an RSA provision, if HB 858 of the 1988 regular session becomes law.

Adopted.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety, providing for independent inspectors for carnival and amusement rides, and relative to the bureau of common carriers.

Amendment

Amend the bill by replacing line 1 on page 1 with the following:

1 Duties of Commissioner. Amend the introductory paragraph of RSA 21-P:4, IV to read as follows:

Amend the bill by replacing lines 6-8 on page 4 with the following:

9 Inspections. Amend the introductory paragraph of RSA 266:1, V to read as follows:

V. The director may authorize properly qualified persons to make

Amend the bill by replacing line 16 on page 6 with the following: commissioner or his designee.

Amend the bill by replacing lines 2 and 3 on page 7 with the following:

after subparagraph (t) the following new subparagraphs:

(u) Application for and issuance of household goods carrier

Amend the bill by replacing lines 1-6 on page 8 with the following:

(v) Annual reporting requirements, as authorized by RSA 375-A:13.

(w) Regulating household goods carriers, as authorized by RSA 375-A:14.

(x) Regulating common and contract carriers of property by motor vehicle, as authorized by RSA 375-B:17.

(y) Regulation of common and contract carriers of passengers by

Amend the bill by replacing line 6 on page 11 with the following: to the provisions of this chapter and RSA 375-B shall be made available to

This amendment is necessary to renumber RSA provisions to avoid duplication of RSA provisions inserted by HB 1036 and HB 1042, enacted earlier this session as chapter 45 and 64, respectively. The amendment also corrects amending language and reference errors.

Adopted.

HB 1093-FN, relative to reporting requirements of corporations having securities registered in this state.

Amendment

Amend the bill by replacing lines 6-16 on page 1 with the following:

file with the director annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the director shall adopt by rule. [The director shall certify the statement to the secretary of state before the secretary of state may accept the corporation's annual report.] Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and the director. Such quarterly reports need not be independently audited.

This amendment corrects a reference and deletes certain statutory language made unnecessary by a chapter definition.

Adopted.

HB 824, relative to AREA school district agreements and relative to staff services to school administrative units, and making an appropriation therefor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to area school district agreements, staff services to school administrative units, and the Tilton/Northfield formula.

This amendment to the title of the bill is necessary because of changes made by the committee of conference.

Adopted.

RECESS

(Speaker in the Chair)

HB 606-FN, relative to the lock up of children and the Anna Philbrook Center.

Amendment

Amend the bill by replacing lines 12-13 on page 3 with the following:

court order following an adjudication that a child is delinquent and shall be permitted to remain in the community, including his home,

Amend the bill by replacing lines 20-23 on page 3 with the following:

(c) The supervision of a juvenile services officer, as authorized by RSA 170-G:16; and

(d) Return to the court for violation of conditions of the release and change of disposition at any time during the term of conditional release.

Amend the bill by replacing line 27 on page 5 with the following:

1989.

Amend the bill by replacing line 5 on page 7 with the following:

defined in RSA 169-B:2, pending the arrival of the parent, guardian, or

Amend the bill by replacing lines 11-16 on page 9 with the following:

14 Terminology Change. Amend RSA 169-B:2, I to read as follows:

I. "Adult lock-up or jail" means a locked facility, used primarily to house adults charged with or convicted of violating criminal law. This includes police lock-ups, county [jails, and houses of correction] *correctional facilities*, and any facility used by county sheriffs, state police, or local police to securely detain adult offenders and accused offenders.

15 Terminology Change. Amend RSA 169-B:15-a to read as follows:

169-B:15-a Lock-up Log; Establishment and Contents. Each county [jail, house of correction] *correctional facility*, police lock-up, and any facility used by law enforcement, county sheriffs, or state police to securely detain minors must establish a lock-up log for all minors securely detained. The log must contain the identification number, the charge, the date and time locked in secure detention, the date and time released from secure detention, to whom released, and reason for secure detention. The log shall be kept confidential both by the agency or facility which maintains it and by the division for children and youth services, which shall receive copies of the log, January 1 and June 1 of each year, beginning January 1, 1989.

16 Effective Date.

I. RSA 169-D:9-b as inserted by section 7 of this act, and section 13 of this act, shall take effect on December 31, 1989, or 60 days after the certification of 60 shelter care/detention beds as provided in section 12 of this act, whichever occurs first.

II. Sections 14 and 15 of this act shall take effect June 17, 1988.

III. The remainder of this act shall take effect upon its passage.

This amendment is primarily necessary to correct problems arising because this is a re-referred bill. The amendment incorporates statutory changes made by 1987, 402 and changes a date from January 1, 1988, to January 1, 1989. The amendment also makes terminology changes required because of the passage of HB 480 earlier this session, which became chapter 89, and corrects a cross reference.

Adopted.

HB 1129, making supplemental operation budget appropriations, amending the operating budget, and making certain other appropriations.

Amendment

Amend the bill by deleting lines 9-14 on page 2.

Amend the bill by replacing lines 5-9 on page 5 with the following:

Total	FY 1988
	[2,405,013]
	2,425,513

Estimated source of funds for	
bureau of district offices	
General Fund	[2,405,013]
	<u>2,425,513</u>
Total	[2,405,013]
	<u>2,425,513</u>

Amend the bill by replacing lines 12-18 on page 10 with the following:

	<u>FY 88</u>	
90 DCYS settlement *	[17,706,126]	
	<u>21,510,211</u>	
Total		[17,706,126]
		<u>21,510,211</u>
Estimated source of funds for		
DCYS - settlement		
00 Federal funds		[600,000]
		<u>-0-</u>
05 Private or local funds		[4,276,530]
		<u>5,322,783</u>
General fund		[12,829,596]
		<u>16,187,428</u>
Total		[17,706,126]
		<u>21,510,211</u>

Amend the bill by replacing line 7 on page 26 with the following:

		<u>FY 1988</u>
29 Transfers to infor services	A	[10,709]
		<u>31,709</u>

Amend the bill by replacing line 24 on page 30 with the following:

Total	536,190	636,227
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Amend the bill by replacing line 3 on page 34 with the following:

86 Contingency. IF HB 847-FN-A of the 1988 regular session does not become law, the following footnote shall be inserted at the end of PAU 01, 04, 01, 02, 04 as amended by section 1 of this act:

It is the intent of the general court that RSA 604-A:9 be implemented to the fullest extent possible and that all fees and costs provided on behalf of an indigent shall be recovered and continually appropriated to the indigent defense program.

The department of administrative services is hereby authorized to enter into percentage of collection contracts to recover fees and costs provided on behalf of an indigent.

87 Effective Date. This act shall take effect upon its passage.

This amendment makes an adjustment in the totals in a section of the bill. The amendment also adds a contingency section which will become effective if HB 847-FN-A of the 1988 regular session does not become law.

The amendment makes a technical correction in PAU 05, 02, 03, 02, 07 to conform to SB 276 of the 1988 regular session which was enacted into law as chapter 71 and corrects 2 transcription errors.

Adopted.

ENROLLED BILLS REPORT

SB 305, relative to pari-mutuel pools at dog races and authorizing a study of greyhound and horse racing.

HB 794, making capital appropriations and supplemental capital appropriations.

HB 990, relative to maintenance of court facilities and relative to funding for the planning and design of new district court facilities.

HB 594, relative to victims' assistance and establishing a victims' assistance fund.

HB 639, relative to certification of soil scientists and establishing a board of natural scientists.

HB 763, relative to the operation of ski craft on the lakes, ponds and rivers of the state.

HE 803, relative to OHRV operation and changing compliance dates for ATV manufacturers.

HB 824, relative to area school district agreements, staff services to school administrative units, and the Tilton/Northfield formula.

HB 842, granting county commissioners planning and zoning authority in unincorporated and unorganized places and establishing a legislative study committee relative to these places.

HB 847, relative to indigent defense.

HB 862, relative to solid waste disposal and source reduction and making an appropriation therefor.

HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety, providing for independent inspectors for carnival and amusement rides, and relative to the bureau of common carriers.

HB 876, relative to restricting waterskiing in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire.

HB 897, relative to annual reports of county officers.

HB 962, relative to a ski lodge and improvements at Mount Sunapee and making an appropriation therefor, and relative to certain major capital projects and the water pollution control revolving loan fund.

HB 972, relative to annulments of drug convictions and convictions which may be counted toward habitual offender status, and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

HB 1081, naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road and amending various highway and motor vehicle laws.

HB 1093, relative to reporting requirements of corporations having securities registered in this state.

HB 1162, relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.

HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee.

HB 1204, establishing a grant-in-aid program to provide temporary emergency shelter for the destitute, establishing the affordable housing fund, and establishing a low and moderate income housing loan program, and making appropriations therefor.

SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown.

SB 310, relative to the purchase and distribution of breath analyzer machines and making an appropriation therefor.

HB 12, recodifying the workers' compensation law.

HB 237, limiting the civil liability of volunteers working on behalf of nonprofit organizations and government entities.

HB 401, relative to video tape depositions.

HB 734, relative to posting of bond by administrators of estates.

HB 753, reinstating the charter of Bethlehem Mink Farm, Inc. and the charter of James A. Smith Contracting, Inc.

HB 758, establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.

HB 784, relative to disclosure of securities takeovers.

HB 821, legalizing certain town meetings and hearings and relative to a statutory procedure for curing legal defects in town meetings.

HB 832, establishing a 10-year bridge construction and reconstruction plan.

HB 852, relative to New Hampshire hospital personnel and relative to claims arising from the clinical operation and administration of New Hampshire hospital.

HB 885, relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

HB 912, relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.

HB 917, making technical changes for the department of revenue administration and relative to the taxation of transferable shares under the interest and dividends tax.

HB 932, establishing a New Hampshire film and television bureau and making an appropriation therefor.

HB 935, relative to recording plats.

HB 978, legalizing certain town meetings.

HB 980, relative to penalties for sewage treatment violations.

HB 1061, relative to retaining certain state-owned land overlooking Lake Winnisquam.

HB 1088, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor.

HB 1097, relative to underground storage tanks and relative to funding a potable water supply for the town of Meredith.

HB 1109, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor.

HB 1144, relative to civil penalties for violations by public utilities.

HB 1146, relative to abandoned property.

HB 1150, permitting the attorney general to hire part-time attorneys general.

HB 1180, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor.

HB 1159, relative to the Southeast Regional Refuse Disposal District and authorizing towns to contract for solid waste disposal services.

SB 261, relative to setting seasons and bag limits on small game birds and animals.

SB 262, establishing a New Hampshire conservation corps and making an appropriation therefor.

SB 279, relative to motor vehicle emissions testing.

SB 289, establishing a committee to study school facilities.

SB 301, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike.

SB 302, relative to fireworks.

SB 304, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations, transferring certain appropriations within the judicial branch, and making a supplemental appropriation for new positions in the judicial branch.

SB 306, relative to low-dose mammography screening and establishing a committee to examine regulating persons operating x-ray equipment.

SB 315, relative to the division of plant and property management, and to the personnel appeals board and making an appropriation therefor.

SB 317, relative to master plans and their housing sections and relative to the compilations of regional housing needs assessments.

SB 323, relative to providing medical assistance to children who are severely disabled, establishing an oversight committee, and making an appropriation therefor.

SB 326, establishing a New Hampshire rivers management and protection program and making an appropriation therefor.

SB 334, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor; and establishing a study committee to examine the illiteracy and dropout problems.

SB 345, relative to disciplinary proceedings conducted by the committee on judicial conduct.

SB 347, increasing rates for shared homes and making an appropriation therefor.

SB 349, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 355, appropriating additional sweepstakes revenues for foundation aid.

SB 357, relative to legalizing the Seabrook town meeting and establishing the Seabrook Scholarship Fund.

HB 625, relative to fees for boats and boat registration, and making certain appropriations.

HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization.

HB 810, relative to overseas voters.

HB 940, relative to child support enforcement and paternity.

HB 1133, relative to home rule and municipal charters.

HB 1188, establishing age limits for operators of off highway recreational vehicles and amending compliance dates for manufacturers of all terrain vehicles.

SB 294, relative to the catastrophic aid formula.

HB 606, relative to the lock up of children and the Anna Philbrook Center.

HB 1129, making supplemental operating budget appropriations, amending the operating budget, and making certain other appropriations.

HB 858, relative to fetal alcohol syndrome.

Rep. Elizabeth Hager
Sen. John P.H. Chandler
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Parks moved that the House adjourn.

Adopted.

HOUSE JOURNAL 23

Tuesday, 3 May 88

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God of beginnings and endings, Who has been present with us even when we have failed to notice, we give You thanks for the privileges of serving the people of this state. We have labored hard, debated endlessly, and have produced obscene amounts of paperwork. We have argued and have even questioned others' motives. We have pondered and have prayed for the well-being of those whom we represent.

Today, Holy One, grant us a sense of satisfaction -- not smugness -- but a genuine feeling that we have done what we have been called on to do. As we are scattered to many places, comfort those whose lives are broken, hold those whose spirits are weary, humble those who are filled with pride, fill those who are empty from serving. And grant that we may take our place in the great cloud of witnesses who have heard the words: "well done, good and faithful servant." Amen.

Rep. Hatch led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ezra Mann, Cid, Elizabeth Greene, Frink, Provencal, Stewart, Appleby, Blanchard, Ann Derosier, Dearborn, Kenneth MacDonald and Zajdel, the day, illness.

Reps. Lemire, Thurston, Peyron, Moore, Guest, Copenhaver, Ellen-Ann Robinson, Francis Robinson, Bourque, Bennett, Michael Jones, Brady and Crystal, the day, important business.

Rep. Blanchette, the day, death in the family.

Reps. Joseph MacDonald and Donovan, the day, illness in the family.

INTRODUCTION OF GUESTS

Charlotte Chandler, mother of Rep. James Chandler; Ann Lockwood, mother of Rep. Lockwood; Sharon McManus, wife of Rep. McManus; Greta Whittemore, wife of Rep. Whittemore; Betty Woerner, guest of Rep. Emma Wheeler; Katherine Chase, wife of Rep. Russell Chase; Beverly Dingle, wife of Rep. Dingle.

The Speaker introduced Dr. Robert Swift, President of the New Hampshire Music Educators Association, who introduced the "Bell Choir" from Plymouth State College who entertained the House briefly.

Reps. Palumbo and Chambers moved the adoption of the general principles for a Calendar for annual sessions for the years 1989 and 1990.

PROPOSED CALENDAR
1989 - 1990

1. These are general principles for a calendar for annual sessions for 1989 and 1990.
2. The first year, 1989, will be a four-month session. The second year, 1990, will be a two-month session.
3. There will be one general bill filing period, prior to the start of the first year session. In the second year, there shall be a supplemental budget bill, a capital budget bill and a revenue (Ways and Means Committee) bill. Other bills may be introduced in the second year only with the approval of the Rules Committee, which shall only approve bills of an emergency nature.
4. Money bills may be re-referred in the first year only with the approval of the House Rules Committee.
5. Non-money bills which are reported by the committee as re-referred must be on the regular calendar with an explanation as to why they should be re-referred.
6. There will be no committee work during the summer months.
7. There are also several suggestions for improving the efficiency of the signing-off process. These suggestions include mailing the sign-off form with the draft of the bill and permitting the sponsor to mail the form back. In addition, the prime sponsor could be made responsible for obtaining co-sponsors' signatures within a specified time limit.

Rep. Harold Burns explained the proposed general principles.

Rep. Betty Hall spoke against the motion and yielded to questions.

Reps. Hager, Bass and Palumbo spoke in favor of the motion and yielded to questions.

Rep. Murphy spoke against the motion.

Rep. Rounds spoke against the motion and yielded to questions.

Rep. Chambers spoke in favor of the motion.

A division was requested.

232 members having voted in the affirmative and 99 in the negative, the proposed general principles were adopted.

Reps. Palumbo and Chambers moved the adoption of HR 85, amending House Rules.

Amendment

Amend House Rule 67 to add the following deadline dates:

- Rule 67 (c) (1). House standing committees shall not meet between June 15 and September 15, 1988, except with the approval of the Speaker.
- (2). November 10, 1988. Deadline for complete information on all bills proposed by a state agency to be submitted to Legislative Services.
- (3). December 20, 1988. Sign-off deadline for all bills proposed by a state agency.

- (4). January 5, 1989. Deadline for submission of drafting requests with complete information to Legislative Services for all bills, joint and concurrent resolutions.

Rep. Harold Burns explained the amendment and yielded to questions.

Rep. Ward spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 274 NAYS 57
YEAS 274

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Olimpio, Powers and Saunders.

CHESHIRE: Blacketor, Clark, Cole, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Irvin Gordon, Grodin, Hunt, Matsun, Miller, Morse, Parker, Perry, William Riley, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Adams, Bean, Chambers, Densmore, Driscoll, Hammond, Wayne King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baker, Baldizar, Bass, Beaupre, Boutwell, Bowers, Burkush, A. Leslie Burns, Cowenhoven, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domaingue, Drolet, Dube, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Gagnon, Granger, Grip, Guilbert, Gureckis, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Alice Knight, Kuchinski, Kurk, Lanzara, Lefebvre, Levesque, Long, Lown, Mason, Bonnie McCann, McRae, Messier, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Reidy, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, Fraser, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Nichols, Phelps, Philbrick, Gerald Smith, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Butler, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Malcolm, McKinney, Newell, Palumbo, Parr, Popov, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Walker, Welch, Wells and Wright.

STRAFFORD: Bates, Callaghan, Chamberlin, Dingle, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Laurion, Lussier,

Martling, McManus, Musler, Parks, Pelley, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 57

BELKNAP: Bowler and Maviglio.

CARROLL: Schofield.

CHESHIRE: Foster and LaMar.

COOS: Oleson.

GRAFTON: Arnesen, Blair, Christy, LaMott and Weymouth.

HILLSBOROUGH: Lionel Boucher, Buckley, Cote, Dwyer, Frank, Ruth Gage, Genest, Scott Green, Betty Hall, Marian Harrington, Cornelius Keane, Donna Kelly, Korcoulis, Leclerc, Lozeau, McGlynn, Morrisette, Price and Sullivan.

MERRIMACK: George E. Gordon, Hess, Alf Jacobson, Burton Knight, Pantzer and Rehlander.

ROCKINGHAM: Eunice Campbell, Carpenito, Cressy, Cushing, Harry Flanders, Joyce, Mace, Magoon, William F. McCain, McGovern, Merchant, Pantelakos, Pevear, Warburton and Weddle.

STRAFFORD: Casey, Albert Dionne, Sandra Keans, Koromilas and William McCann.

SULLIVAN: Normandin, and HR 85 was adopted by the necessary two-thirds.

SENATE MESSAGE REQUESTS CONCURRENCE

SB 358-FN-A, making an appropriation for the chief medical examiner.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the necessary House and Joint Rules be so far suspended as to permit the introduction and passage of SB 358-FN-A, making an appropriation for the chief medical examiner.

Adopted by the necessary two-thirds.

Reps. Palumbo and Chambers moved that SB 358-FN-A, making an appropriation for the chief medical examiner, be ordered to third reading and passed at the present time.

Reps. Palumbo, Gross and Wilson spoke in favor of the motion.
Adopted.

Third reading and final passage

SB 358-FN-A, making an appropriation for the chief medical examiner.

SENATE MESSAGE
GOVERNOR'S VETOES SUSTAINED

SB 267, relative to child passenger restraints in motor vehicles.

SB 304, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations, transferring certain appropriations within the judicial branch, and making a supplemental appropriation for new positions in the judicial branch.

(Deputy Speaker Burns in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 252

To the Honorable members of the General Court:

I have this day vetoed HB 252-FN-A, relative to the rate of the business profits tax.

This legislation would change the prorated or blended tax rate in the business profits tax which was in effect for the 1987 tax year now completed and authorize a tax credit to business organizations which paid the legislated prorated business profits tax for any part of the 1987 tax year.

The blended rate methodology utilized in implementing the 1987 rate change was precisely the same as that utilized in implementing the 1985 tax rate change, both of which clearly reflected the specific intent of the legislation under which the tax was originally imposed.

The budget additions as finally approved by the House and Senate in this session all assumed that this reduction would not take place. Therefore, this legislation is inappropriate at this time.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 252 pass.

Reps. Ward and Jean spoke against passage.

(Speaker in the Chair)

POINT OF ORDER

Reps. Sara Townsend and Spaulding rose on a point of order.

Rep. Holbrook spoke against passage.

YEAS 38 NAYS 287
YEAS 38

BELKNAP: Turner.

CARROLL: None.

CHESHIRE: Delano, Pierce and David Young.

COOS: Kilbride.

GRAFTON: LaMott.

HILLSBOROUGH: Ahern, Alukonis, Baldizar, Buckley, Cowenhoven, Paul Dionne, Ducharme, Granger, Scott Green, Grip, Robert Kelley, Leclerc, Long, Bonnie McCann, Prestipino, Reardon and Vanderlosk.

MERRIMACK: Eleanor Anderson, Beaton, Dunn and Burton Knight.

ROCKINGHAM: Carpenito, Cushing, Felch, Palumbo, Warburton and Welch.

STRAFFORD: Callaghan, Koromilas, Parks, Spear and Ann Torr.

SULLIVAN: None.

NAYS 287

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Maviglio, Pearson, Randall, Lawrence Richardson and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, William Riley and Schwartz.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Densmore, Driscoll, Hammond, Wayne King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Bass, Beaupre, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Cote, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Drolet, Dube, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Guilbert, Gureckis, Betty Hall, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Korcoulis, Kuchinski, Kurk, Lanzara, Lefebvre, Levesque, Lown, Lozeau, Mason, McGlynn, McRae, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pariseau, Perham, Pignatelli, Price, Reidy, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Bardsley, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Nichols, Pantzer, Phelps, Philbrick, Rehlander, Gerald Smith, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Cressy, Drake, Ellyson, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Merchant, Newell, Pantelakos, Parr, Pevear, Popov, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Walker, Weddle, Wells and Wright.

STRAFFORD: Bates, Casey, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Laurion, Lussier, Martling, William McCann, McManus, Musler, Pelley, Swope, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

Rep. Robert Kelley notified the Clerk that he inadvertently voted yea and meant to vote nay.

Rep. James Chandler moved that the reading of the Governor's veto messages be dispensed with.

Adopted.

GOVERNOR'S VETO MESSAGE ON HB 353

To the Honorable members of the General Court:

I have this day vetoed HB 353, relative to municipalities acquiring certain housing projects.

I fully appreciate the need to address long term housing issues in our state. However, this bill will serve as a disincentive to the construction of subsidized multi-family rental housing in New Hampshire. Furthermore, the provisions within this bill, especially the twelve month grant to municipalities of a right of first refusal, is a significant intrusion into the property rights of the owners of these buildings and as such is arguably unconstitutional. A minimum 12-month period to complete a transaction is inconsistent with normal purchase and sale procedures and in fact can prevent the sale of such housing in changing markets. This requirement will result in a reduction of the amount of supported multi-family rental housing that will be built in New Hampshire. Had a 30- or 60-day period been provided in this law, any legitimate aims of the legislation would have been more adequately served, while not creating the disincentive for ownership of such housing.

There are other provisions of the legislation which also must be redone to be clear and fair to all parties concerned. Among the ambiguities that exist within the law is the question of whether the period of a right of first refusal begins to toll at the time the intent to sell is established or if the period begins only after the actual terms of sale are agreed upon and divulged. This legislation should not be allowed to become law with major defects such as these.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 353 pass.

Rep. Vartanian spoke against passage.

YEAS 43 NAYS 283
YEAS 43

BELKNAP: Maviglio and Turner.

CARROLL: None.

CHESHIRE: Daschbach, Matson and William Riley.

COOS: None.

GRAFTON: Arnesen, Bean, Chambers and Densmore.

HILLSBOROUGH: Buckley, Cote, Dube, Dwyer, Frank, Scott Green, Gureckis, Betty Hall, Long, Bonnie McCann, McGlynn, McRae, Morrisette, Mulligan, Nixon, O'Rourke, Pariseau, Reardon and Reidy.

MERRIMACK: Dunn, Alf Jacobson, Burton Knight, Pantzer and Wallner.

ROCKINGHAM: William Boucher, Carpenito, Cressy, Cushing, Merchant, Pantelakos, Pevear and Weddle.

STRAFFORD: Callaghan and William McCann.

NAYS 283

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Miller, Morse, Parker, Perry, Pierce, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Blair, Christy, Driscoll, Hammond, Wayne King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baldizar, Bass, Beaupre, Lionel Boucher, Boutwell, Bowers, Burkush, A. Leslie Burns, Cowenhoven, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domaingue, Drolet, Ducharme, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Gagnon, Genest, Granger, Grip, Guilbert, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kuchinski, Lanzara, Leclerc, Lefebvre, Levesque, Lown, Lozeau, Mason, Messier, Robert Murphy, Packard, Paquette, Perham, Pignatelli, Prestipino, Price, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Manus, Phelps, Philbrick, Rehlander, Gerald Smith, Stio, Tupper, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Courdeau, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Newell, Palumbo, Parr, Popov, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Bates, Casey, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Kears, Kincaid, Kinney, Koromilas, Laurion, Lussier, Martling, McManus, Musler, Parks, Pelley, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

GOVERNOR'S VETO MESSAGE ON HB 740

To the Honorable members of the General Court:

I have this day vetoed HB 740, establishing a standards for marital mediators and relative to voluntary marital mediation in divorce proceedings.

Although I feel that all efforts should be made to mediate between two parties involved in a divorce proceeding, I have grave reservations as to the process and procedures established by this bill.

The provisions of HB 740 propose to institutionalize the mediation process. That mediation now can, and does take place in a more personalized setting and the changes proposed will detract from the benefits that such mediation can and already does bring to marriages in difficulty.

Furthermore, I believe that the policy established within this legislation will not significantly improve efforts to mediate problems between parties. In fact, the legislation could enhance the trauma that divorce proceedings ultimately bring to the parties by unnecessarily prolonging the time required to conclude the divorce action.

I would also note that if such a quasi-judicial function is to be institutionalized in any way similar to that crafted in HB 740, all appointments of the quasi-judicial mediators should be done as required by the New Hampshire State Constitution for traditional judicial appointments.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 740 pass.

Rep. Alf Jacobson spoke in favor of passage and yielded to questions.

Reps. Lozeau and Sytek spoke in favor of passage.

Rep. Hatch spoke against passage and yielded to questions.

YEAS 175 NAYS 146

YEAS 175

BELKNAP: Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Maviglio, Randall and Turner.

CARROLL: Robert Holmes, Powers and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Doucette, Daniel Eaton, Foster, Irvin Gordon, Hunt, LaMar, Matson, Miller, William Riley and Schwartz.

COOS: Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Arnesen, Bean, Blair, Chambers, Densmore, Wayne King, Lougee, Ezra Mann, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bass, Boutwell, Buckley, Burkush, A. Leslie Burns, Cote, Cox, Cusson, William Desrosiers, William Dion, Dube, Ducharme, Dwyer, Dykstra, Nancy Ford, Ruth Gage, Gagnon, Scott Green, Gureckis, Betty Hall, Marian Harrington, Holden, Chris Jacobson, Cornelius Keane, Donna Kelly, Lown, Lozeau, McGlynn, McRae, Messier, Morrisette, Mulligan, Nixon, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Schneiderat, Shriver, Leonard Smith, Soucy, Stonner, Turgeon, Vanderlosk and Wagner.

MERRIMACK: Austin, Bardsley, Beaton, James Chandler, Dunn, Fillion, Fraser, Gross, Hager, Douglas Hall, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lockwood, Pantzer, Rehlander, Stio, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Cushing, John Flanders, Thomas Gage, Gosselin, Hollingworth, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, Mace, William F. McCain, McGovern, McKinney, Merchant, Pantelakos, Pevear, Popov, Rosencrantz, Sanderson, Skinner, Sytek, Tilton, Tufts, Vaughn, Walker, Weddle, Wells and Wright.

STRAFFORD: Bates, Callaghan, Casey, Dingle, Albert Dionne, Jean, Sandra Keans, Kinney, Koromilas, Laurion, Martling, William McCann, McManus, Musler, Parks, Pelley, Spear, Wilson and John Young.

SULLIVAN: Brodeur, Normandin, Schotanus and Sara Townsend.

NAYS 146

BELKNAP: Bolduc, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Hounsell, Olimpio and Saunders.

CHESHIRE: Jesse Davis, Delano, Grodin, Morse, Parker, Pierce and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride and Marsh.

GRAFTON: Adams, Christy, Driscoll, Hammond, McAvoy, Rounds, Scanlan and Howard Townsend.

HILLSBOROUGH: Ahrens, Beaupre, Lionel Boucher, Bowers, Cowenhoven, Gerard Desrochers, Paul Dionne, Domaingue, Drolet, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Granger, Grip, Guilbert, Hatch, Healy, Humphrey, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kuchinski, Lanzara, Leclerc, Levesque, Mason, Bonnie McCann, Robert Murphy, Pariseau, Perham, Prestipino, Rodgers, Sallada, Steiner, Stiles, Sullivan, Tarpley, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Laurent Boucher, Gilbreth, George E. Gordon, Hayes, Lewis, Manus, Nichols, Phelps, Philbrick, Gerald Smith and West.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Lawrence A. Chase, Jr., Cressy, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Gourdeau, Haynes, Hoar, Hynes, Robert Johnson, Roger King, Klemarczyk, Maurice MacDonald, Magoon, Malcolm, Newell, Palumbo, Parr, Ritzo, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Sochalski, Splaine, Vartanian, Warburton and Welch.

STRAFFORD: Chamberlin, Patricia Foss, Frechette, Robert Jones, Kincaid, Lussier, Swope, Ann Torr, Ralph Torr and Wall.

SULLIVAN: Behrens, Cutting, Domini, Flint, Krueger, Lindblade, Rodeschin and Spaulding, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

GOVERNOR'S VETO MESSAGE ON HB 932

To the Honorable members of the General Court:

I have this day vetoed HB 932, establishing a New Hampshire film and television bureau and making an appropriation therefor.

I have done so because these activities and responsibilities are currently handled effectively in the Department of Resources and Economic Development and this legislation does not either fund, facilitate, or help improve the current process.

It is my opinion that the Division of Economic Development's present charge is sufficiently broad to encompass the functions contained in this bill and in fact they have been performing the functions outlined in the legislation for many years.

HB 932 is simply a recital of what the State of New Hampshire is already accomplishing and in fact this bill would hinder rather than facilitate those efforts.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 932 pass.

Rep. William McCain spoke in favor of passage.

Rep. Hammond spoke against passage.

Rep. LaMott spoke in favor of passage and yielded to questions.

YEAS 144 NAYS 177

YEAS 144

BELKNAP: Bolduc, Richard Campbell, Malcolm Harrington, Maviglio, Randall and Turner.

CARROLL: Dickinson and Robert Holmes.

CHESHIRE: Cole, Daschbach, Doucette, Daniel Eaton, Foster, Hunt, LaMar, Matson, Miller, Pierce, William Riley, Schwartz and David Young.

COOS: Kilbride, Mayhew, Nelson and Theriault.

GRAFTON: Adams, Bean, Blair, Chambers, Densmore, Wayne King, LaMott, Lougee, Ezra Mann, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Baker, Buckley, Burkush, Cote, Cox, Cusson, Domaingue, Dube, Ducharme, Dwyer, Nancy Ford, Frank, Ruth Gage, Gagnon, Scott Green, Gureckis, Betty Hall, Marian Harrington, Holden, Cornelius Keane, Donna Kelly, Korcoulis, Leclerc, Lefebvre, Long, Lown, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Pariseau, Pignatelli, Price, Reardon, Reidy, Schneiderat, Leonard Smith, Soucy, Sullivan, Turgeon, Vanderlosk and Wagner.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Dunn, Fillion, Gross, Douglas Hall, Hess, Mary Holmes, Kidder, Burton Knight, Pantzer, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, William Boucher, Butler, Carpenito, Cushing, Thomas Gage, Gosselin, Joyce, Phyllis Katsakiores, Mace, William F. McCain, McGovern, Merchant, Pantelakos, Pevear, Popov, Rosencrantz, Sanderson, Sherburne, Skinner, Tufts, Vaughn, Walker, Wells and Wright.

STRAFFORD: Bates, Callaghan, Casey, Chamberlin, Albert Dionne, Robert Jones, Sandra Keans, Laurion, Martling, William McCann, McManus, Pelley, Ann Torr, Wilson and John Young.

SULLIVAN: Brodeur, Krueger, Normandin, Spaulding and Sara Townsend.

NAYS 177

BELKNAP: Bowler, Dexter, Golden, Hardy, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, Morse and Parker.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Marsh, Oleson and Purrington.

GRAFTON: Christy, Driscoll, Hammond, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth and Ward.

HILLSBOROUGH: Ahern, Ahrens, Baldizar, Bass, Beaupre, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Cowenhoven, William Desrosiers, William Dion, Paul Dionne, Drolet, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Granger, Grip, Guilbert, Hatch, Healy, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Alice Knight, Kuchinski, Lanzara, Levesque, Lozeau, Mason, Bonnie McCann, McRae, Paquette, Perham, Prestipino, Rodgers, Sallada, Steiner, Stiles, Stonner, Tarpley, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Laurent Boucher, Fraser, Gilbreth, George E. Gordon, Hager, Hayes, C. William Johnson, Lewis, Lockwood, Manus, Nichols, Phelps, Philbrick, Rehlander, Gerald Smith, Stio, Tupper and West.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Cressy, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gourdeau, Haynes, Hoar, Hynes, Robert Johnson, George Katsakiores, Roger King, Klemarczyk, Lovejoy, Maurice MacDonald, Magoon, Malcolm, McKinney, Newell, Palumbo, Parr, Ritzo, Schmidtchen, Schwaner, Seward, Simon, Sochalski, Splaine, Sytek, Tilton, Vartanian, Warburton, Weddle and Welch.

STRAFFORD: Dingle, Patricia Foss, Frechette, Jean, Kincaid, Kinney, Koromilas, Lussier, Musler, Parks, Spear, Swope, Ralph Torr and Wall.

SULLIVAN: Behrens, Cutting, Domini, Flint, Lindblade, Rodeschin and Schotanus, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

GOVERNOR'S VETO MESSAGE ON HB 990

To the Honorable members of the General Court:

I have this day vetoed HB 990, relative to maintenance of court facilities and relative to funding for the planning and design of new district court facilities.

Although I feel that the planning and design of the new Concord District Court facility has merit and is appropriate, there are other provisions of the bill which cause significant concern.

The legislative, executive, and judicial branches all agree that the maintenance of the court buildings should be undertaken by the executive branch to realize assumed cost effective benefits. Disappointingly,

Section 4 of this bill is a bit unclear and only partially describes the details for transfer of this responsibility. Among the items left unanswered by the legislation are the process outlining the sources of funds for payment for the services to be provided by Administrative Services, details on who will have the supervisory authority over the employees performing the various duties, as well as other critical and relevant aspects which would allow this transfer to work to the benefit of the state.

As I have noted, the intention to achieve this transfer has been agreed on by the three branches of New Hampshire's government. Since the provisions of this bill are to take effect on July 1, 1989, I feel there is time to redo and pass new legislation to assure that the duties can be clear and specific to achieve an orderly transfer of responsibility among the branches of state government.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 990 pass.

Rep. Hager spoke against passage.

Mr. Speaker, I rise in support of the sustaining the Governor's veto on House Bill 990, but I wish to explain why. This bill has had a long rocky history. There were two bills submitted this session relative to the Concord District Court. There is an immediate and imperative need for a new District Court in Concord. It has been a top priority of the Judicial Branch for several years, ever since the Concord Court lost its accreditation in 1982. The House Committees, Public Works and Appropriations, that dealt with House Bill 990, unanimously agreed that \$200,000 should be spent to plan and design a new facility. The Senate also agreed to the need, but felt that the money should come from the escrow account for court facilities improvements established under RSA 490:26-C, 1 and 2. There is adequate money, about 1.3 million dollars, in that escrow account. The court indicated that they agreed the money could be used from that fund. They had, at the time, also indicated support for the other parts of House Bill 990. Given those facts, the House conferees agreed in conference to sign on to the Senate version of the bill. The bill was vetoed, not because of the Concord District Court part but, because of the fuzzy language in the third part of the bill. Before the Governor vetoed the bill, he received assurances from Chief Justice Brock that the escrow account money would be spent to plan and design a new facility for the Concord District Court. Judge Brock also told Speaker Scamman of his intention to use the escrow account money. I confirmed with Chief Justice Brock about whether or not he needed legislative action in order to use the escrow money. He said, that because the House and the Senate had both approved use of the escrow money in their passage of the bill and because of the Governor in his veto message had also indicated support for the concept, he would have no problem having the escrow account money used. Because of those assurances by the Chief Justice, I have no problem with our sustaining this veto. Thank you.

Rep. Sytek moved that Rep. Hager's remarks be printed in the Journal. Adopted.

YEAS 26 NAYS 287
YEAS 26

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: Oleson.

GRAFTON: Ezra Mann.

HILLSBOROUGH: Buckley, Cote, Joseph M. Eaton, Gureckis, Long, McGlynn, Paquette, Leonard Smith, Stiles and Vanderlosk.

MERRIMACK: Hess, Burton Knight and Manus.

ROCKINGHAM: William Boucher, Cressy, Cushing, Ellyson, Klemarczyk, McGovern, Tufts and Weddle.

STRAFFORD: Chamberlin, Sandra Keans and Kincaid.

SULLIVAN: None.

NAYS 287

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Maviglio, Pearson, Randall, Lawrence Richardson, Turner and Vogler.

CARROLL: Allard, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Pierce, William Riley, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Furrington and Theriault.

GRAFTON: Adams, Bean, Blair, Chambers, Christy, Densmore, Driscoll, Hammond, Wayne King, LaMott, Lougee, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baldizar, Bass, Beaupre, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Cowenhoven, Cox, Cusson, William Desrosiers, William Dion, Paul Dionne, Domaingue, Drolet, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Granger, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kuchinski, Lanzara, Leclerc, Lefebvre, Levesque, Lown, Lozeau, Mason, Bonnie McCann, McRae, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Pariseau, Perham, Pignatelli, Prestipino, Reardon, Reidy, Rodgers, Sallada, Schneiderat, Soucy, Steiner, Stonner, Sullivan, Tarpley, Turgeon, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Dunn, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Nichols, Pantzer, Phelps, Philbrick, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Haynes, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F.

McCain, McKinney, Merchant, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Ritzo, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Vartanian, Vaughn, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Bates, Casey, Dingle, Albert Dionne, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Koromilas, Laurion, Lussier, Martling, William McCann, McManus, Musler, Parks, Pelley, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

GOVERNOR'S VETO MESSAGE ON HB 995

To the Honorable members of the General Court:

I have this day vetoed HB 995, relative to exemption from the gasoline tax and state license plates.

This legislation would authorize both a refund of the gasoline tax and permit the use of special state license plates for vehicles owned and operated by the community action programs in this state.

I fully recognize and appreciate the value of the various community action programs operating within our state and feel that they provide valuable services to many of our less fortunate citizens. Further, the fiscal impact of this particular measure would not be substantial. However, I am very concerned with both the precedent that this law would establish as well as the question of fairness in treating these programs different from our other social service agencies. This question of fairness and precedent is a very serious issue that is too important to be dealt with in a piece of narrow, special interest legislation.

It is for these reasons that I feel that this legislation is not appropriate.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 995 pass.

Rep. O'Rourke spoke in favor of passage and yielded to questions.

Rep. Arnesen requested a quorum count.

The Speaker declared a quorum present.

Rep. Arnesen spoke in favor of passage and yielded to questions.

Rep. William McCann spoke in favor of passage.

Rep. Ahrens spoke against passage.

Rep. Reidy requested a quorum count.

The Speaker declared a quorum present.

Reps. Reidy and LaMott spoke in favor of passage.

Rep. Rodeschin spoke against passage.

YEAS 205 NAYS 119

YEAS 205

BELKNAP: Bowler, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Maviglio, Randall and Turner.

CARROLL: Russell Chase, Dickinson and Robert Holmes.

CHESHIRE: Clark, Cole, Jesse Davis, Doucette, Daniel Eaton, Foster, LaMar, Matson, Miller, Pierce, William Riley and Schwartz.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Densmore, Driscoll, Wayne King, LaMott, Lougee, McAvoy, Scanlan, Wadsworth, Ward and Weymouth.

HILLSBOROUGH: Ahern, Baker, Baldizar, Beaupre, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Cote, Cox, Cusson, Gerard Desrochers, William Dion, Dube, Ducharme, Dwyer, Dykstra, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Gureckis, Betty Hall, Marian Harrington, Healy, Holden, Cornelius Keane, Robert Kelley, Donna Kelly, Korcoulis, Kuchinski, Leclerc, Lefebvre, Long, Lown, Lozeau, McGlynn, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Routhier, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon, Vanderlosk and Wagner.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Dunn, Fillion, Fraser, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lockwood, Manus, Pantzer, Philbrick, Rehlander, Tupper, Wallner, West, Whitemore and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, William Boucher, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Ellyson, Harry Flanders, John Flanders, Thomas Gage, Gosselin, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, Magoon, McGovern, Merchant, Pantelakos, Parr, Pevear, Popov, Ritso, Sanderson, Schwaner, Seward, Sherburne, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Walker, Weddle, Wells and Wright.

STRAFFORD: Callaghan, Casey, Dingle, Albert Dionne, Patricia Foss, Frechette, Sandra Keans, Kincaid, Laurion, Lussier, Martling, William McCann, McManus, Pelley, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Krueger, Normandin, Spaulding and Sara Townsend.

NAYS 119

BELKNAP: Bolduc, Richard Campbell, Jensen, Locke, Pearson, Lawrence Richardson and Vogler.

CARROLL: Allard, Gene Chandler, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Delano, Irvin Gordon, Grodin, Hunt, Morse, Parker and David Young.

COOS: Marsh.

GRAFTON: Christy, Hammond, Rounds, Howard Townsend and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Bass, Lionel Boucher, Cowenhoven, Daigle, William Desrosiers, Paul Dionne, Domaingue, Drolet, Clyde Eaton, Joseph M. Eaton, Fields, Granger, Grip, Hatch, Humphrey, Chris Jacobson, Keefe, Alice Knight, Lanzara, Levesque, Mason, Bonnie McCann, McRae, Packard, Pariseau, Perham, Prestipino, Rodgers, Sallada, Schneiderat, Steiner, Stonner, Tarpley, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Austin, Laurent Boucher, Gilbreth, George E. Gordon, Gross, Kidder, Lewis, Nichols, Phelps, Gerald Smith and Stio.

ROCKINGHAM: Carl Anderson, Benton, Marilyn Campbell, Carpenito, Cooke, Drake, Felch, Fesh, Flanagan, Bert Ford, Beverly Gage, Gourdeau, Roger King, Klemarczyk, Maurice MacDonald, Mace, Malcolm, William F. McCain,

McKinney, Newell, Palumbo, Rosencrantz, Schmidtchen, Simon, Vartanian, Warburton and Welch.

STRAFFORD: Bates, Chamberlin, Jean, Robert Jones, Kinney, Koromilas, Parks and Swope.

SULLIVAN: Behrens, Cutting, Domini, Flint, Lindblade, Rodeschin and Schotanus, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

**SENATE MESSAGE
VETO OVERRIDDEN**

SB 302, relative to fireworks.

GOVERNOR'S VETO MESSAGE ON SB 302

To the Honorable members of the General Court:

I have this day vetoed SB 302, relative to fireworks.

Although most of this legislation clarifies many of the ambiguities in existing law and in fact strengthens the requirements under which fireworks could be sold or used, there are provisions within this bill which would add to the misunderstanding and confusion that currently exists, and therefore impede the application and enforcement of our existing laws.

I believe that since there are already significant changes in the law under legislation from preceding years which will in fact take effect soon, remedial legislation such as this can be most effectively crafted and implemented after some history of application of previously passed legislation can be established.

Clearly, recent well-publicized misunderstandings and misinterpretations of the effect of various provisions of SB 302 underscore the fact that a combination of practical experience with existing laws and clearer legislative language would be a more appropriate way to deal with the issues addressed in this bill.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall SB 302 pass.

(Deputy Speaker Burns in the Chair)

Reps. Welch and Daniel Eaton spoke in favor of passage and yielded to questions.

Reps. Scott Green, Felch, Chambers and Palumbo spoke in favor of passage.

Rep. George Gordon spoke against passage.

(Speaker in the Chair)

YEAS 254 NAYS 68
YEAS 254

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Holbrook, Maviglio, Pearson, Randall, Lawrence Richardson and Turner.

CARROLL: Allard, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Jesse Davis, Delano, Doucette, Daniel Faton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Parker, Pierce, William Riley, Schwartz and David Young.

COOS: Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Densmore, Hammond, Wayne King, LaMott, Lougee, Rounds, Scanlan, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baker, Bass, Beaupre, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Cote, Cox, Cusson, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domaingue, Dube, Ducharme, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Genest, Granger, Scott Green, Grip, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Leclerc, Lefebvre, Mason, McGlynn, Messier, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Reardon, Reidy, Rodgers, Routhier, Schneiderat, Leonard Smith, Soucy, Stiles, Sullivan, Tarpley, Turgeon, Wagner and Emma Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Dunn, Fillion, Fraser, Gilbreth, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Manus, Nichols, Pantzer, Phelps, Philbrick, Rehlander, Gerald Smith, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Gosselin, Haynes, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, McGovern, Merchant, Newell, Palumbo, Pantelakos, Pevear, Popov, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Walker, Warburton, Weddle, Welch, Wells and Wright.

STRAFFORD: Bates, Callaghan, Casey, Chamberlin, Dingle, Frechette, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Lussier, Martling, William McCann, McManus, Parks, Pelley, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Krueger, Lindblade, Normandin, Spaulding and Sara Townsend.

NAYS 68

BELKNAP: Golden, Jensen, Locke and Vogler.

CARROLL: Dickinson.

CHESHIRE: Miller and Morse.

COOS: Brungot.

GRAFTON: Christy, Driscoll, McAvoy and Howard Townsend.

HILLSBOROUGH: Ahrens, Baldizar, Lionel Boucher, Cowenhoven, Drolet, Dwyer, Dykstra, Nancy Ford, Gagnon, Guilbert, Gureckis, Betty Hall, Marian Harrington, Hatch, Keefe, Kuchinski, Lanzara, Levesque, Long,

Lown, Lozeau, Bonnie McCann, McRae, Morrisette, Prestipino, Price, Sallada, Steiner, Stonner, Vanderlosk, Ware, Watson and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, George E. Gordon, Hager, Kidder and Lockwood.

ROCKINGHAM: Cooke, Bert Ford, Beverly Gage, Gourdeau, Hoar, Klemarczyk, Malcolm, William F. McCain, McKinney, Parr and Vartanian.

STRAFFORD: Albert Dionne, Patricia Foss and Jean.

SULLIVAN: Domini, Flint, Rodeschin and Schotanus, and the veto was overridden by the necessary two-thirds vote.

SENATE MESSAGE

The Senate killed by resolution the following House Bills:

HB 532, allowing real estate firms or brokers to establish interest bearing trust accounts.

HB 585, establishing a committee to study motor vehicle emissions controls.

HB 773, relative to a legal holiday on June 21, 1988, celebrating New Hampshire's role in ratifying the United States Constitution and suspending the celebration of Fast Day for 1988.

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation.

HB 921, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

HB 924, to increase the age limit relative to the motor vehicle child restraint requirement.

HB 1067, relative to the penalty for an aggravated DWI offense.

HB 1119, relative to restrictions on thrill craft.

HB 1163, relative to nursing home care costs paid by counties.

HB 1167, relative to elderly property tax credits.

HB 1208, relative to capital reserve and estimates of unrestricted revenue.

HB 1142-FN-A, relative to the construction of certain water treatment projects and making an appropriation therefor.

Reps. Palumbo and Chambers moved that any legislation not disposed of by any other motion, shall be by this motion, Indefinitely Postponed.

HB 297, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor.

HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations.

HB 1202, requiring additional reports to be filed with the insurance commissioner.

HB 645, relative to school building aid.

HB 970, establishing a fee for the review of certain project plans by the division of water supply and pollution control.

HB 971, relative to unclassified state employee salaries.

HB 1049, relative to the travel allowance for members of the general court.

HB 1064, to include probation and parole officers in group II of the New Hampshire retirement system.

HB 1205, establishing a low and moderate income housing loan program and making an appropriation therefor.

HB 1207, relative to certain consultants to the consumer advocate and making an appropriation therefor.

HB 881, relative to weights and measures.

HB 948, allowing a village district to be established for the purposes of transportation of people in the village district.

HB 1137, relative to the reports required by and the setting of tax rates for municipalities, counties and school districts.

HB 551, establishing a study committee relative to computer-based public records.

HB 1200, relative to apportionment of damages.

SB 247, relative to phase II of restoration of the old state house and making an appropriation therefor.

SB 271, establishing a study committee to examine the feasibility of relocating state agencies in Concord.

COMMUNICATION

Dear Mr. Speaker:

It is with much regret that I tender my resignation as Representative to the New Hampshire House effective June 1, 1988.

Last November, we put our house under agreement with closing June 1, so I could finish the work of this legislative session. We are moving back to York, PA to be closer to our families.

I found my experience in the House to be most rewarding and one of the most challenging and interesting things I have ever done in my life.

Most important, I have made a lot of friends and the experience of my two terms will never be forgotten. Good Luck to you and all the members. I thank the citizens of my District who made it all possible.

Filing for the next election will soon be upon us. I have been trying to find someone to run for my seat. When they learn of the time involved and the meager salary we get, they are no longer interested. One thing for sure, our House members are dedicated individuals for which I have a great respect.

Sincerely,
Rep. Jack H. Schofield
Carroll, Dist. 4

ENROLLED BILL REPORT

SB 358, making an appropriation for the chief medical examiner.

Rep. Natalie S. Flanagan
Sen. John P.H. Chandler
For the Committee.

Reps. Boutwell, Michael Jones and Leonard Smith offered the following:

HOUSE RESOLUTION NO. 86

honoring Barbara A. Walsh of Pelham.

WHEREAS, in June of 1976, Barbara A. Walsh graduated from Pelham High School where early on she distinguished herself in journalism, starting the school's first student newspaper while also earning accolades from the Nashua Telegraph as an outstanding high school staffer, and

WHEREAS, in May of 1981, having majored in journalism, Barbara A. Walsh graduated from the University of New Hampshire and embarked on a career as a newspaper reporter, and

WHEREAS, during the next seven years, Barbara A. Walsh, diligently and with dedication, worked at perfecting her journalistic skills, first with the Galway Gazette in Ireland and then with the Lowell Sun, the State line X-Press in Pelham and the Lawrence Eagle Tribune where today she is an esteemed reporter, and

WHEREAS, Barbara A. Walsh and a co-reporter recently wrote an in-depth series of stories on the Massachusetts state prison furlough process and an attempted cover-up after a furloughed inmate fled to Maryland and committed additional crimes, and

WHEREAS, for her exhausting and outstanding work in co-writing that important investigative series, Barbara A. Walsh was named a 1988 Pulitzer Prize recipient, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Barbara A. Walsh receive highest praise and recognition for her outstanding journalistic work, and be it further

RESOLVED, that Barbara A. Walsh be lauded for the honor she has brought to the Town of Pelham and the State of New Hampshire, and that a suitable copy of this Resolution be prepared for presentation to her.
Adopted.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 87

memorializing former State Representative Lyman E. Collishaw of Exeter.

WHEREAS, we have learned with great sorrow of the death of former State Representative Lyman E. Collishaw, who between 1959 and 1976 was elected to nine consecutive terms in the New Hampshire House, and

WHEREAS, during his tenure as an honorable servant of the people of Exeter, Lyman E. Collishaw was an esteemed and devoted member of the Standing Committees on Municipal and County Government, and Liquor Laws, of which he was Chairman for eight terms, and

WHEREAS, Lyman E. Collishaw was a leading proponent of and worked hard for the installation of the electronic roll call system in the House chamber, and

WHEREAS, Lyman E. Collishaw additionally served on the New Hampshire Liquor Commission, and as Director of Civil Defense in Exeter, and

WHEREAS, a native of Exeter, Lyman E. Collishaw was the founder and first President of the Bow Lake Campers Association, and

WHEREAS, a veteran of World War I, Lyman E. Collishaw was a Past Commander of American Legion Post 32, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Lyman E. Collishaw be given highest praise and publicly lauded for his service as a State legislator, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The Speaker addressed the House briefly:

I would like to take the time to share a few thoughts with you and to thank you for the support you've given me in my first term as Speaker.

I think that the last two years have been a real learning experience for all of us -- you have learned how to work with me and I have learned how to work with all of you.

During this session in particular, we have experimented with better ways to run the second-year session. We have tinkered with different schedules and formats and I think we have come away from 1988 a bit wiser and more confident of how to run things in the future.

I believe we have been particularly well-served by our Rules Committee and owe them our thanks.

Under Deputy Speaker Harold Burns, they have worked hard to get us through the last two years and to develop a set of guidelines for the next biennium which balance our responsibilities as legislators with the need to preserve our citizen Legislature.

I encourage you in the months to come, to contact Harold with your suggestions on how we can better achieve our goals next session. Your input is needed and welcome.

Thanks also, to all our Committee Chairmen and Vice Chairmen. As you know, the Committee is the backbone of our Legislative process and they have all done a great job of taking on heavy workloads and meeting tight

deadlines. Without their leadership, this session could not have been a successful one.

I also want to express my appreciation to Mary Chambers. She is proof of the old saying that "You can disagree without being disagreeable." Thank you Mary, for making the opposition vocal, but loyal.

Vinnie, all of the above.

I could not wrap up these remarks without also mentioning the body on the other side of this wall. There have been times in the past when relations between our two chambers were less than cordial, and there were times this biennium when the Senate was not as wise as it could have been, but overall, the Senate has been very cooperative this year. I thank them and my friend Bill Bartlett for their good will.

I would also like to thank all the staff involved in this process. We expanded the staff for the Committees. I feel that all the staff, whether it's in Mary's Office, my office, the Clerk's Office, the Sergeant-at-Arms Office or in the Committees, have done a bountiful job and I know that many of the Committee members have told me that their Committee Research people have been outstanding.

Finally, I would like to extend my thanks to all of the members of the House. Your support has really made this the most enjoyable two years I have spent in the Legislature and has helped me decide to run for another term in the Legislature and another term as your Speaker. With your help, I look forward to another rewarding biennium starting in December. Thank you.

Rep. Mary Chambers addressed the House briefly.

To all the members of the House. It has been a pleasure working with Doug Scamman as Speaker. His sense of humor and his patience with me have been much appreciated. I sort of thought this morning when I got up and got ready to come to Concord, I sort of had a smile inside. I felt good about what we have done here this year. I have been sort of smiling inside all day. I've left here after other sessions not feeling that way. It must say something about the composition of this House and the leadership. Even though some of the leadership has been a little much to take sometimes, Vinnie and Jim have been good friends. It's been fun working with them. I think that we can leave here today with pride in what we have been able to accomplish, looking forward to the next session and hoping that maybe I will have a little more help next time than I have this. Thank you.

Rep. Benton moved that the Speaker's and Rep. Chamber's remarks be printed in the Journal.

Adopted.

PERSONAL PRIVILEGE

Reps. Russell Chase, Benton, Sanderson and Sara Townsend addressed the House under Personal Privilege.

RESIGNATIONS

Dear Mr. Speaker:

I have recently moved and no longer live within the boundaries of District 45.

Please accept this letter as my resignation from the office of State Representative - Hillsborough, District 48.

Thank you,
Rep. Jocelyne D. Champagne

Dear Speaker Scamman:

Recently my family and I moved to a new home in Concord.

Our new home is in a different Ward than I had previously represented; therefore, I find that I must resign my Legislative seat. It has been a great pleasure to serve in the New Hampshire House of Representatives. My present plan is to run again this Fall. so, with some luck I might return in January.

Thank you for all your help and assistance.

Sincerely,

Rep. Mary Jane Wallner

Dear Mr. Speaker:

As I am no longer a resident of Strafford District 2, I hereby resign my seat as a member of the New Hampshire General Court, effective immediately.

It has been a privilege to serve my constituents, and to work with such a dedicated group of people as I have met in the House of Representatives. I plan to file for election as a candidate for the New Hampshire General Court from the district where I currently reside. Thank you.

Sincerely,

Rep. Wayne L. Spear, Jr.

Rep. Palumbo moved that the House adjourn sine die.

Adopted.

The House adjourned at 5:07 p.m.

1988 INTERIM STUDY AND STATUTORY APPOINTMENTS

- HB 85, relative to constructing a bypass on route 111 from the town of Windham to the town of Salem and making an appropriation therefor.
Public Works
- HB 219, establishing a shooting range in the state and making an appropriation therefor.
Fish and Game
- HB 231, relative to updating master plans once every 5 years.
Senate Public Affairs
- HB 279, creating a board of examiners in ophthalmic dispensing.
Health and Human Services
- HB 293, relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.
Senate Transportation
- HB 346, establishing a tax on illegal drugs and relative to criminal drug penalties.
Ways and Means
- HB 352, relative to the return of revenue to cities and towns.
Senate Ways and Means
- HB 375, establishing incentives for day care centers.
Children, Youth and Elderly Affairs
- HB 409, requiring a grace period on finance charges imposed on credit card purchases.
Commerce, Small Business and Consumer Affairs
- HB 447, relative to the right to know law.
Senate Judiciary
- HB 494, relative to the rights of tenants to receive cable television.
Commerce, Small Business and Consumer Affairs
- HB 521, amending the New Hampshire life and health insurance guaranty association act.
Commerce, Small Business and Consumer Affairs
- HB 523, relative to alternative energy purchased power recovery.
Science, Technology and Energy
- HB 524, creating a baccalaureate education system trust.
Education
- HB 549, enabling cities and towns to establish land banks.
Municipal and County Government
- HB 569, relative to a long range capital improvement plan and integrated data system.
Public Works
- HB 587, relative to possession of marijuana.
Children, Youth and Elderly Affairs

- HB 592,** relative to facilities licensed under RSA 151.
Health and Human Services
- HB 602,** allowing a limiting privilege driver's license to be issued
after certain DWI license revocations.
Judiciary
- HB 620,** relative to workers' compensation.
Labor, Industrial and Rehabilitative Services
- HB 680,** prohibiting certain computer telephone calls to residences.
Commerce, Small Business and Consumer Affairs
- HB 684,** relative to benefits for part-time state employees.
Executive Departments and Administration
- HB 735,** relative to instructions to voters for straight ticket voting.
Constitutional and Statutory Revision
- HB 751,** relative to surrogate parenting contracts.
Judiciary
- HB 764,** relative to access points to a lake and making an
appropriation therefor.
Fish and Game
- HB 783,** relative to grandparents' visitation rights.
Senate Public Institutions, Health and Human Services
- HB 796,** relative to a study of highways and bridges in Sullivan
county between I-89 and I-91 and making an appropriation
therefor.
Public Works
- HB 801,** relative to the composition of the dental board.
Senate Executive Departments
- HB 808,** to change the liquor vendor license fees charged by the
liquor commission.
Regulated Revenues
- HB 835,** requiring a subcommittee of the house transportation
committee to study the New Hampshire laws regarding motor
vehicle salvage certificates of title and salvage vehicles.
Transportation
- HB 836,** amending various highway laws.
Transportation
- HB 841,** establishing a commission to study the state's water use and
making an appropriation therefor.
Resources, Recreation and Development
- HB 851,** prohibiting the detention or incarceration of persons under
the age of 18 years in county correctional facilities.
Judiciary
- HB 856,** relative to herbicide applications on utility rights-of-way.
Environment and Agriculture

- HB 864, authorizing the public utilities commission to regulate cable television systems.
Commerce, Small Business and Consumer Affairs
- HB 868, establishing mediation pilot programs and making an appropriation therefor.
Judiciary
- HB 882, relative to the rights and obligations of an injured employee under the workers' compensation law.
Labor, Industrial and Rehabilitative Services
- HB 886, relative to the board of trustees of the university system of New Hampshire.
Senate Education
- HB 903, relative to the office of the ombudsman.
Executive Departments and Administration
- HB 927, concerning certain labor laws.
Labor, Industrial and Rehabilitative Services
- HB 937, relative to "on premise signs" in certain highway rights-of-way.
Public Works
- HB 938, relative to plaintiff's payment of defendant's costs in tort actions.
Judiciary
- HB 960, requiring facilities to notify fire departments about certain stored chemicals.
Public Protection and Veterans Affairs
- HB 979, establishing a fact-finding board to review medical claims and making an appropriation therefor.
Judiciary
- HB 981, relative to renting video cassettes to minors and requiring proof of age for admission of minors to movies.
Senate Internal Affairs
- HB 986, relative to driver's license revocation or denial for involvement with drugs and alcohol.
Transportation
- HB 991, relative to dental benefits for persons receiving medical assistance.
Senate Insurance
- HB 1003, relative to fault grounds for divorce.
Judiciary
- HB 1005, relative to vicious dogs.
Judiciary
- HB 1006, relative to displacement of low-income residents from residential rental dwellings.
State Institutions and Housing
- HB 1010, relative to regulation of abortions.
Judiciary

- HB 1017,** relative to testing private water supplies for contaminants.
Resources, Recreation and Development
- HB 1018,** imposing a supplemental road toll.
Public Works
- HB 1037,** relative to off highway recreational vehicles.
Fish and Game
- HB 1052,** relative to the youth employment law.
Labor, Industrial and Rehabilitative Services
- HB 1054,** relative to compulsory overtime.
Labor, Industrial and Rehabilitative Services
- HB 1069,** relative to affordable housing and making an appropriation therefor.
State Institutions and Housing
- HB 1076,** relative to public accommodation of physically handicapped persons.
Health and Human Services
- HB 1095,** requiring gas fume detection alarm units in certain dwellings and health care facilities.
Public Protection and Veterans Affairs
- HB 1102,** relative to the disposition of revenue received by the bureau of common carriers, department of transportation.
Ways and Means
- HB 1108,** requiring probate court approval of surrogate parenting arrangements.
Judiciary
- HB 1110,** relative to telephone and telegraph company taxes.
Ways and Means
- HB 1113,** relative to taxing the sale of real estate owned by nonprofit organizations, and providing a right of first refusal for cities and towns in the sale of open space land.
Ways and Means
- HB 1116,** providing health insurance to low-income people.
Commerce, Small Business and Consumer Affairs
- HB 1118,** relative to the maintenance of boat launching ramps and related parking areas.
Transportation
- HB 1130,** relative to the cost to counties for performing autopsies.
Senate Executive departments
- HB 1139,** relative to surrogate parenting agreements.
Judiciary
- HB 1153,** relative to protecting personal privacy.
Judiciary
- HB 1164,** reducing the rate of the business profits tax.
Ways and Means

- HB 1169, relative to the AIDS virus and making an appropriation therefor.
Health and Human Services
- HB 1184, relative to the regulation of mining.
Environment and Agriculture
- HB 1189, relative to roadside litter removal.
Ways and Means
- CACR 27 relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition.
Constitutional and Statutory Revision
- HBI 2018, relating to procedures for disposal of used motor fuel, fuel oil tanks, and asbestos.
Resources, Recreation and Development
- SB 2, mandating health insurance for alcoholism and drug dependency treatment.
Commerce, Small Business and Consumer Affairs
- SB 224, relative to licensing of estheticians.
Executive Departments and Administration
- SB 280, changing the rate of the real estate transfer tax.
Senate Ways and Means
- SB 281, prohibiting surrogate parenting.
Senate Judiciary
- SB 295, relative to a guardian's authority to remove life support of his ward.
Senate Judiciary
- SB 320, relative to health insurance for retired municipal employees.
Senate Insurance
- SB 324, relative to dangerous dogs and amending the penalty provision relating to dogs which are a menace, a nuisance, or vicious.
Senate Judiciary
- SB 339, relative to purchasing airports, establishing airport districts, and airport property tax base sharing agreements.
Public Works
- SB 350, relative to the election of fish and game commission members.
Senate Development, Recreation and Environment
- SB 356, relative to involuntary admissions under limited circumstances for the developmentally impaired.
Judiciary

STATUTORY APPOINTMENTS

HB 571

(Chapter 44:4, Laws of 1988) COMMITTEE ON REGULATION OF CONTINUING CARE FACILITIES

3 representatives of continuing care facilities under supervision of Director of Charitable Trusts appointed by the Governor

Director, Division of Charitable Trusts or designee

Robert C. Warren, Jr., designee of Insurance Commissioner

Reps. Joe B. Parks and Alice Tirrell Knight appointed by the Speaker

Sens. Eleanor P. Podles and Elaine S. Krasker appointed by the President

HB 758

(Chapter 204:2, Laws of 1988) COMMITTEE TO STUDY THE NEW HAMPSHIRE JUVENILE JUSTICE SYSTEM

Janet A. Selling, Laconia; Effie Malley, Portsmouth and Major Lynn Presby, Concord appointed by the Governor

Hon. Arthur E. Robbins, Manchester and Hon. Paul H. Lawrence, Manchester appointed by Chief Justice of Supreme Court

Stephen R. Merrill, Esquire, Attorney General

Reps. Beverly T. Rodeschin and Robert L. Jones appointed by the Speaker

Sens. Sheila Roberge and George F. Disnard appointed by the President

Ronald Powell, Commissioner of Corrections

Sgt. James McGonigle appointed by New Hampshire Police Chiefs Association

Robert Pidgeon, designee of Director of Division for Children and Youth Services

1 member appointed by New Hampshire Association of Counties

1 member of New Hampshire Bar Association (who has experience in juvenile justice and guardian ad litem matters) appointed by Association

1 psychiatric social worker appointed by New Hampshire Psychiatric Society

Steven Kairys, M.D., appointed by Chairman of Department of Maternal and Child Health, Dartmouth-Hitchcock Clinic

1 member from New Hampshire Police Association appointed by Association

HB 763

(Chapter 283:2, Laws of 1988) COMMITTEE TO STUDY ISSUES CONCERNING PERSONAL WATERCRAFT AND SKI CRAFT AS DEFINED IN RSA 270:73)

Sens. Susan McLane and Mary S. Nelson appointed by the President

Reps. Howard C. Dickinson and George N. Katsakiores appointed by the Speaker

2 members of the general public appointed by the Governor

Douglas Patch, Assistant Commissioner designee of the Commissioner of Safety

Peter W. MacCallum, Epsom, Marine Dealers Association

Michael D. Whalley, Hooksett

HB 798

(Chapter 132:5, Laws of 1988) COMMITTEE TO EXAMINE THE STATE'S LIQUOR LAWS

Sens. Franklin G. Torr, Ralph D. Hough, Sheila Roberge, Robert Preston and James R. St. Jean appointed by the President

Reps. Robert N. Kelley, Peter M. Simon, Betsy McKinney, Thomas A. Behrens and Ronald R. Laurion appointed by the Speaker

HB 811

(Chapter 157:2, Laws of 1988) TASK FORCE TO STUDY THE ISSUE OF SPOUSAL IMPOVERISHMENT OF VICTIMS HAVING ALZHEIMER'S DISEASE OR RELATED DISORDERS

Rep. Robert A. Lockwood appointed by the Speaker

Sen. Susan McLane appointed by the President

Charles Weatherill, Esq., designee of Director, Division of Elderly and Adult Services

Philip Soule, Administrator, Office of Medical Services

Ellen S. Sheridan, Alzheimer's Coordinator, Division of Elderly and Adult Services

Katherine Onnela, Newport appointed by the Governor

Joe B. Parks, designated Chairman

Rep. Howard F. Mason, Wilton appointed by the Governor

John E. Tobin, Jr., Esquire, New Hampshire Legal Assistance

HB 842

(Chapter 216:4, Laws of 1988) COMMITTEE TO STUDY DEVELOPMENT IN UNINCORPORATED AND UNORGANIZED PLACES

Reps. Harold W. Burns, Lynn C. Horton, Carl S. Adams,

Lawrence J. Guay and Gene G. Chandler appointed by the Speaker

Sens. Charles D. Bond, Roger C. Heath and Barbara B. Pressly appointed by the President

HB 862

(Chapter 227:20, Laws of 1988) SOLID WASTE STUDY COMMITTEE

Sen. Franklin G. Torr (appointed by the President)

Rep. Elizabeth S. Millard appointed by the Speaker

Timothy Gibney designee of Commissioner, Administrative Services

John A. Minichiello, designee of Commissioner, Environmental Services

1 representative of New Hampshire Resource Recovery Association appointed by the Governor and Council

1 member nominated by New Hampshire Municipal Association appointed by the Governor and Council

1 member nominated by New Hampshire Business and Industry Association (who is a manufacturer of recycled materials as defined in RSA 21-I:1-a, IV) appointed by the Governor and Council

1 member representing private environmental organizations in the state, appointed by the Governor and Council

1 representative of the State's Solid Waste Transporters appointed by the Governor and Council

1 member nominated by Consulting Engineers of New Hampshire appointed by the Governor and Council

HB 1041

(Chapter 145:2, Laws of 1988) AMMONOOSUC WATERSHED FOREST COMMITTEE

2 members appointed by the Governor (1 shall represent forest industry)

Sens. Charles D. Bond and Roger C. Heath appointed by the President

Reps. James A. Whittemore and Thomas M. Brady appointed by the Speaker

Malcolm Thomas, designee of Director, Division of Parks and Recreation

John E. Sargent, Director, Division of Forests and Lands

1 representative of Land Conservation Investment Program appointed by Executive Director

Charles Levesque appointed by trustees of Trust for New Hampshire Lands

Stephen Blackmer appointed by the Executive Director of Society for Protection of New Hampshire Forests

- HB 1098** (Chapter 186, Laws of 1988) COMMITTEE ON SURROGATE MOTHERHOOD
Reps. Elizabeth A. Moore and David E. Cote appointed by the Speaker
Sens. Sheila Roberge and Elaine S. Krasker appointed by the President
Paul Manganiello and Charles Culver, M.D. appointed by New Hampshire Medical Society
Martha P. Farrell, Esquire, designee of Attorney General
Jack Lightfoot, Manchester appointed by Child and Family Services of New Hampshire
Sara J. Groesch, Ph.D. appointed by State Board of Examiners of Psychologists
1 member of New Hampshire Bar Association, appointed by Association
- HB 1107** (Chapter 185, Laws of 1988) COMMITTEE TO STUDY LEGISLATIVE EMPLOYEES' AND CONSTITUTIONAL OFFICERS' RETIREMENT BENEFITS
Sens. Clesson J. Blaisdell, Susan McLane, George E. Freese and Robert A. Stephen appointed by the President
Rep. John B. Hammond, Robert S. Hawkins, Kenneth J. MacDonald and Richard H. Campbell, Jr., appointed by the Speaker
- HB 1128** (Chapter 253:2, Laws of 1988) COMMITTEE TO STUDY CHILD SUPPORT ISSUES
Reps. Pamela B. Bean, Irene C. Domini, and Debora B. Pignatelli appointed by the Speaker
Sens. Sheila Roberge, Eleanor P. Podles and Mary S. Nelson appointed by the President
Nancy E. Baybutt appointed by the Governor
Administrator, Office of Child Support Enforcement or designee
Stephanie T. Nute, Barrington appointed by Chief Justice of the Superior Court
- HB 1133** (Chapter 223:13, Laws of 1988) COMMITTEE TO PREPARE GUIDELINES OR LEGISLATION FOR MUNICIPALITIES UNDERTAKING A CHARTER ADOPTION, REVISION OR AMENDMENT
Reps. David M. Perry, Maurice B. MacDonald and Kurt A. Normandin appointed by the Speaker
Sens. William S. Bartlett, Jr., Mary S. Nelson and Jean T. White appointed by the President
Robert P. Ambrose, Deputy Secretary of State
Monica A. Ciolofi, esq., designee of the Attorney General
John B. Andrews, Concord appointed by president of New Hampshire Municipal Association
Barbara Reid appointed by Commissioner Department of Revenue Administration
Richard Upton, esq, appointed by Attorney General
May Casten, Derry appointed by the Governor
- HB 1182** (Chapter 178:3, Laws of 1988) TASK FORCE TO STUDY RATE-SETTING FOR HEALTH AND HUMAN SERVICES, CHILDREN, YOUTH AND ELDERLY, AND EDUCATION
Reps. Pamela B. Bean, Annette M. Cooke, Robert F. Wilson, Katherine D. Foster, Howard F. Mason and Karen O. Wadsworth appointed by the Speaker
Sens. Eleanor P. Podles, Jean T. White and George F. Disnard appointed by the President

HB 1192

(Chapter 109, Laws of 1988) TASK FORCE TO STUDY LONG TERM CARE INSURANCE FOR THE ELDERLY

6 public members appointed by the Governor:

- 1 shall be an elderly consumer
- 1 representing an elderly organization
- 1 representing the nursing home industry
- 1 home health care provider
- 1 representing a residential elderly care facility
- 1 representing health insurance providers

Reps. Leo W. Fraser and Joe B. Parks appointed by the Speaker
Sens. George E. Freese and Elaine S. Krasker appointed by the President

Robert C. Warren, Jr., designee of Insurance Commissioner
M. Mary Mongan, Commissioner, Department of Health and Human Services

Geoff Souther, designee of Director, Mental Health and Developmental Services

Richard Chevrefils, Director, Division of Elderly and Adult Services

Carol Carrier, designee of Director of Division of Human Services (alternate: Mary Frances Greenberg)

HB 1206

(Chapter 163:2, Laws of 1988) JOINT COMMITTEE TO MONITOR PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE REORGANIZATION PROCEEDINGS

Reps. W. Douglas Scamman, Vincent J. Palumbo, William H. Hatch, Philip J. Weymouth and Susan Schwartz appointed by the Speaker

Sens. William S. Bartlett, James R. St. Jean, Franklin G. Torr, Robert F. Preston and Edward C. Dupont appointed by the President

SB 289

(Chapter 290, Laws of 1988) COMMITTEE TO STUDY SCHOOL FACILITIES

Reps. Ellen-Ann Robinson and Edmund M. Keefe appointed by the Speaker

Sens. Jean T. White and Robert F. Preston appointed by the President

Eric Goldman, Concord, appointed by the Governor

Nils Larson, Bristol, appointed by New Hampshire School Boards Association

Arthur J. Ouillette appointed by New Hampshire School Administrators' Association

1 member appointed by New Hampshire Association of School Principals

Roy W. Banwell, Hanover, appointed by the Council of School Architects

Douglas Brown, designee of the Commissioner of Education

1 member of the State Board of Education appointed by the Board

SB 300

(Chapter 127, Laws of 1988) COMMITTEE TO STUDY THE OPERATION, ADMINISTRATION AND ECONOMIC IMPACT OF EXISTING LAWS RELATIVE TO MATERIALS USED IN CONSTRUCTION OF HIGHWAYS

Sens. Franklin G. Torr, Charles D. Bond and Clesson J.

Blaisdell appointed by the President

Reps. James D. Phelps, Elizabeth A. Greene and Peter M. Stio appointed by the Speaker

- SB 306** (Chapter 267:4, Laws of 1988) COMMITTEE TO EXAMINE NEED FOR UNIFORM REGULATION FOR OPERATORS OF X-RAY EQUIPMENT, INCLUDING MAMMOGRAPHY MACHINES IN NEW HAMPSHIRE
Reps. Ann Torr, Chairman and Mary P. Holmes appointed by the Speaker
Sens. Elaine S. Krasker and Eleanor P. Podles appointed by the President
William T. Wallace, M.D., MPH, Director, Division of Public Health Services
Diane Tefft, Radiological Health Program Manager, Division of Public Health Services
- SB 318** (Chapter 58, Laws of 1988) COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A NEW HAMPSHIRE ZOOLOGICAL PARK
Reps. Janet M. Conroy, Leonard A. Smith and Laurent J. Boucher appointed by the Speaker
Sens. Sheila Roberge, Rhona M. Charbonneau and Mary S. Nelson appointed by the President
Wilbur F. LaPage, Director, Division of Parks and Recreation (alternate: Malcolm Thomas)
1 public member appointed by the Governor
Charles Thoits, designee of the Executive Director, Fish and Game Department
- SB 334** (Chapter 274:5, Laws of 1988) LEGISLATIVE STUDY COMMITTEE TO EXAMINE PROBLEMS OF ILLITERACY AND DROPOUT PREVENTION
Reps. Dennis R. Bolduc, Jacquelyn Domaingue, Donna C. Kelly and E. Jane Walker appointed by the Speaker
Sens. George F. Disnard, Chairman, Joseph Delahunty, Charles D. Bond and William A. Johnson appointed by the President
- SB 354** (Chapter 60:2, Laws of 1988) CONNECTICUT RIVER BRIDGE ADVISORY COMMISSION
Commissioner of Transportation or designee, Chairman
Sen. George F. Disnard appointed by the President
Rep. Merle W. Schotanus, or designee, appointed by the Speaker
2 members of general public appointed by the Governor and Council
- RSA 17-H:2** JOINT COMMITTEE ON ELDERLY AFFAIRS (See: HB 815, Chapter 16, Laws of 1988)
Reps. Joe B. Parks, Chairman, Mary C. Holmes, Ednapearl F. Parr, Dorothy C. Bowers, Catherine V. Brungot and Ann J. Bourque appointed by the Speaker
Sens. John P.H. Chandler, Jr. Eleanor P. Podles and Mary S. Nelson appointed by the President
- RSA 21-K:10** CHRISTA MCAULIFFE PLANETARIUM COMMISSION (See: HB 1000, Chapter 160, Laws of 1988)
Reps. Roland A. Sallada and Paul G. Blacketor appointed by the Speaker
Sens. Susan McLane and Roger C. Heath appointed by the President
Walter D. Kilian, Mont Vernon and Walter N. Hawley, Concord Chairman, appointed by the Governor and Council
Commissioner, Postsecondary Vocational-Technical Education (ex officio with voting rights)
Commissioner, Libraries, Arts and Historical Resources (ex officio with voting rights)
William Ewert, designee of Commissioner, Education (ex officio with voting rights)

RSA 100-A:14 RETIREMENT SYSTEM ADMINISTRATION

Rep. Richard H. Campbell, Jr., appointed by the Speaker
 1 Sen. from Insurance Committee appointed by the President
 yearly

RSA 106-G ADVISORY COMMITTEE ON BREATH ANALYZER MACHINES (See: SB 310, Chapter 268:4, Laws of 1988)

Sen. William A. Johnson appointed by the President
 Rep. George T. Musler appointed by the Speaker
 Linda Lindsey, Bedford, appointed by the Governor
 Attorney General or designee
 Douglas Patch, designee of the Commissioner of Safety
 John B. McDuffee, Coordinator of New Hampshire Highway Safety
 Agency
 Richard DiPentima, designee of Director, Division of Public
 Health Services
 Chairman, Police Standards and Training Council or designee
 President, New Hampshire Police Chiefs' Association or
 designee

RSA 126-A:43-h EMERGENCY SHELTER COMMISSION (See: HB 1204, Chapter 240, Laws of 1988)

Reps. Mark E. Manus and Nancy Tarpley
 Sen. Susan McLane and Eleanor P. Podles
 Linda Radigan, Deputy Director, Division Mental Health and
 Developmental Services
 Gerald R. Allard, Manchester
 Rt. Rev. Msgr. John P. Quinn, Diocese of New Hampshire

RSA 146-D:4 OIL FUND DISBURSEMENT BOARD (See: SB 322, Chapter 271, Laws of 1988)

Russell A. Nylander, P.E., designee of Commissioner,
 Environmental Services
 Stanley R. Arnold, designee of Commissioner, Revenue
 Administration
 3 members representing petroleum dealers, distributors, and
 refiners appointed by the Governor and Council
 2 public members appointed by the Governor and Council
 Sens. Rhona M. Charbonneau and Clessen J. Blaisdell appointed
 by the President
 Reps. Robert G. Holbrook and Mary Ann Lewis appointed by the
 Speaker

RSA 167:6, VII OVERSIGHT COMMITTEE TO REVIEW COVERAGE OF THE NEW SEVERELY DISABLED GROUP (See: SB 323, Chapter 272:2, Laws of 1988)

Kathleen Sgambati, designee of Commissioner, Health and Human
 Services
 Rep. Frank A. Tupper, appointed by the Speaker
 Sen. Mary Nelson appointed by the President
 1 member of medical profession appointed by the Governor
 1 public member appointed by the Governor
 A parent of a disabled child appointed by the Governor
 Donald L. Shumway, Director, Division of Mental Health and
 Developmental Services
 Gerry O'Connor, Division for Children and Youth Services
 Roger Taillefer, Division of Public Health Services
 Diane Kemp, Division of Human Services

RSA 189:56 ADVISORY COUNCIL ON LITERACY AND DROPOUT PREVENTION (See: SB 334, Chapter 274:3, Laws of 1988)

Nancy E. Baybutt, Concord; Tracy Hatch, Nashua; Judith O. Thayer, Manchester and R. Patrick Corbin, Salem appointed by the Governor

Rep. Ellen-Ann Robinson appointed by the Speaker

Sen. George F. Disnard appointed by the President

George Drinkwater, Dover appointed by American Federation of Teachers

Marilyn Moynihan appointed by National Education Association-New Hampshire

Julie Reeve, Laconia, appointed by New Hampshire School Boards Association (alternate: Paul Higgins, Barnstead)

Suzanne Schrader, Portsmouth, appointed by New Hampshire School Administrators Association (alternate: Mark Beauvais, Concord)

Michael Tocci, Gilford appointed by New Hampshire School Principals' Association

RSA 281-A:62 ADVISORY COUNCIL ON WORKERS' COMPENSATION (See: HB 12, Chapter 194, Laws of 1988)

Rep. Maurice B. MacDonald appointed by the Speaker

Sen. Rhona M. Charbonneau appointed by the President

RSA 541-B:22 LEGISLATIVE OVERSIGHT COMMITTEE TO REVIEW CLAIMS ARISING UNDER RSA 541-B:21 and 99-D:8 (See: HB 852, Chapter 217:3, III)

Reps. Bronwyn Asplund and Edward Densmore appointed by the Speaker

Sens. George E. Freese and George F. Disnard (appointed by the President)

RESIGNATIONS, DEATHS, ELECTIONS

Resigned

10/01/87	Belk. 4	Brown, Russell M., r
10/06/87	Rock. 13	Blaisdell, Robert R., r
10/23/87	Rock. 18	Woodward, Douglas R., r
11/17/87	Graf. 12	King, Michael B., d
01/08/88	Hills. 28	Zis, Peter J., d
01/29/88	Ches. 10	Ramsay, Margaret A., d
02/16/88	Hills. 20	Richardson, Herbert D., r
05/03/88	Hills. 48	Champagne, Jocelyne D., d
05/24/88	Merr. 18	Wallner, Mary Jane, d
05/25/88	Straf. 2	Spear, Wayne, Jr., r
06/01/88	Carr. 4	Schofield, Jack H., r
06/01/88	Ches. 11	Parker, Ralph, r

Deceased

02/13/87	Rock. 19	Romoli, Merino, Jr., r
08/19/87	Hills. 30	Boisvert, Wilfrid A., d
11/06/87	Hills. 28	Winn, Cecelia L., d
11/12/87	Merr. 21	Cahill, Stephen N., d
02/08/88	Sull. 4	Ingram, Mildred S., r
03/31/88	Sull. 7	D'Amante, Carmine F., d
07/13/88	Rock. 7	Newell, Benjamin C., r
07/19/88	Hills. 38	Zajdel, Stanley J., d

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Rock. 19	Merchant, Dean B., d	06/24/87
Belk. 04	Vogler, Charles C., r	12/16/87
Graf. 12	Guest, Robert H., d	01/13/88
Hills. 28	Kuchinski, Steve, d	01/13/88
Hills. 30	Gureckis, Adam C., Sr., d	01/13/88
Merr. 21	Dunn, Miriam D., d	01/13/88
Rock. 13	Klemarczyk, Thaddeus E., r	02/10/88

400 State Representatives

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D - 99	D&R - 29	128

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HOUSE JOURNAL

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 - Waterville Estates village district, exceeding debt limit authorized . HB 1154am
 - Ways and means committee report232-233, 314-315, 743-744
 - Weights and measures, state standards, 10 year recertification deleted . .HB 881
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The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
ext	extension of time for hearing
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
Ways and Means	referred to Ways and Means committee
wthd	withdrawn

HOUSE BILLS

1987 BILLS RE-REFERRED TO COMMITTEE BY HOUSE

- HB 12, recodifying the workers' compensation law.
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- HB 16, increasing the number of write-in votes required for a candidate
to accept the nomination of a different party.
K 56
- HB 17, relative to building codes in municipalities.
am 86-88, psd 134, S nonconc 440
- HB 41, providing that the condemnee shall have first option to purchase
any property condemned by eminent domain, if said property is
abandoned for any reason by condemnor.
New title: providing that the condemnee, his heirs and assigns
shall have first option to purchase any property condemned by eminent
domain, if said property is abandoned for any reason by condemnor.
am 94-95, psd 134, conc S am 641, enr 672 (Chapter 42)
- HB 58, relative to membership on planning boards.
New title: relative to the disqualification of local land use
board members.
am 88-89, psd 134, S conc 648, enr 672 (Chapter 26)
- HB 82, relative to rate increases resulting from electric power
produced by nuclear electric generating facility.
New title: relative to rate increases resulting from construction
of large-scale electric generating facilities.
rem 136, SO 216, am (RC) 225-228, psd 234, S nonconc 399
- HB 85-A, relative to constructing a bypass on route 111 from the town
of Windham to the town of Salem and making an appropriation therefor.
study 66, 968
- HB 203-FN, relative to the premature shutdown and decommissioning costs
of any nuclear electric facility in New Hampshire.
rcmt 202-203, am 428-430, psd 438, S nonconc 748
- HB 207-FN, prohibiting the transfer of a permit to operate a solid or
hazardous waste disposal site without a public hearing.
New title: relative to the siting and permitting of solid and
hazardous waste disposal facilities.
am 95-99, psd 134, S nonconc 748
- HB 214-FN, relative to penalties for violations of motor vehicle laws
by minors.
psd 67, 80, S nonconc 649
- HB 219-FN-A, establishing a shooting range in the state and making an
appropriation therefor.
rem 39-40, study 68, 968

- HB 226, allowing the use of an historical weir for the taking of alewives.
K 42
- HB 231, relative to updating master plans once every 5 years.
S study 968
- HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations.
First new title: limiting the civil liability of volunteers working on behalf of nonprofit organizations; establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers.
Second new title: limiting the civil liability of volunteers working on behalf of nonprofit organizations and government entities.
rcmt 185, am 606-608, psd 644, nonconc S am, conf 858, 865, 872, rep adop 895, (RC) 898-899, enr 942 (Chapter 280)
- HB 239-FN, making the Portsmouth district court a full time court.
K 185
- HB 240-FN, relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor.
New title: relative to sewage disposal systems on waterfront properties and expanded use of sewage disposal systems.
conc S am 231, enr 507 (Chapter 4)
- HB 242, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission.
K (RC) 60-62, recon rej 78
- HB 252-FN-A, reducing the rate of the business profits tax to 7.95 percent.
New title: relative to the rate of the business profits tax.
am 209-210, psd 217, S conc 648, enr 700, veto sustained (RC) 949-951
- HB 267-FN, relative to a moose season.
K 42
- HB 279-FN, creating a board of examiners in ophthalmic dispensing.
study 141, 968
- HB 285, relative to overtime work.
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- HB 287-FN, relative to kindergarten.
K 173
- HB 293-FN, relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.
S study 224, 968
- HB 295-FN, relative to the board of tax and land appeals.
S conc 81, enr 403 (Chapter 1)
- HB 297-A, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor.
LT 67, IP 963

- HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations.
rem 40, LT 68, IP 963
- HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.
am & Approp 43, rem 403, rcmt 434-435, psd 509, 641, S conc 791, enr 854 (Chapter 129)
- HB 311-A, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.
K 43
- HB 313-A, relative to resurfacing of Route 3-A and reconstruction of sections of Route 3-A in the towns of Hudson, Litchfield, and the city of Manchester and making an appropriation therefor.
New title: relative to the widening, realignment, and improvement of the Route 3-A and Pinecrest Road intersection in Litchfield.
am & Approp 43-44, am 509, psd 641, S conc 791, enr 854 (Chapter 130)
- HB 324-FN-A, establishing a state land use and development plan and making an appropriation therefor.
First new title: providing for designation and control of critical resource areas and the development of areas of regional impact and making an appropriation therefor.
Second new title: establishing a committee to study development issues and their impact on the state environment and its resources.
am & Approp 106-121, recalled & psd 136, 217, S nonconc 343
- HB 330-FN-A, relative to an exception to the real estate transfer tax.
New title: relative to an exception to the real estate transfer tax and to return of recovered property.
am 210-211, psd 217, S conc 399, enr 672, (S recalled from governor)
conc S am 781, enr 837 (Chapter 88)
- HB 331-FN, increasing the interest and dividends tax exemption.
New title: relative to filing returns under the interest and dividends tax.
am 211-212, psd 217, S conc 439, enr 645 (Chapter 8)
- HB 337-FN-A, establishing an education equalization fund.
K 136
- HB 340-FN-A, establishing a child care facilities fund.
rem 39, K 67
- HB 343-FN-A, relative to the mooring of boats on the lakes and ponds in the state and making an appropriation therefor.
K 93
- HB 346-FN-A, establishing a tax on illegal drugs and relative to criminal drug penalties.
study 172, 968
- HB 351-FN-A, establishing a special needs housing task force and making an appropriation therefor.
K 44-45

- HB 352-FN-A, relative to the return of revenue to cities and towns.
am & Approp 212-214, SO 547, am & rules suspended (RC) 590-592, psd
643, S study 865, 968
- HB 353-FN-A, relative to condominium conversions and assessing a
condominium conversion tax.
First new title: relative to condominium conversions.
Second new title: relative to municipalities acquiring certain
housing projects.
rem 136, SO 216, am (RC) 228-231, psd 234, conc S am 866, enr 927,
veto sustained (RC) 951-953
- HB 354-FN-A, relative to the Franklin-Laconia connector and making an
appropriation therefor.
S nonconc 136
- HB 358-FN-A, relative to a special needs housing loan fund and making
an appropriation therefor.
K 45
- HB 359-FN-A, relative to medicaid rates in certified nursing homes and
making an appropriation therefor.
am & Approp 183-184, K 547
- HB 365-FN-A, relative to a motor vehicle excise tax system.
K 45
- HB 369-FN-A, relative to the rate of the business profits tax.
rem 40, K 78
- HB 374-FN-A, permitting the operation of on-line video poker machines
at certain facilities and making an appropriation therefor.
K 67
- HB 375-FN-A, establishing incentives for day care centers.
study 40, 968
- HB 381-FN, relative to growth limitation.
am 89-91, psd 134, S nonconc 649
- HB 388, relative to siting of low-level radioactive waste disposal
facilities.
K 57
- HB 389, relative to postsecondary educational requirements for funeral
directors.
K 82
- HB 390, relative to damages recoverable for non-economic loss in
personal actions.
K (RC) 62-64
- HB 395, relative to horsepower of motors used on Glen Lake in the town
of Goffstown.
New title: requiring the division of safety services, department
of safety, to issue a copy of the state's safe boating publication.
am & Approp 93-94, psd 509-510, 642, S nonconc 748

- HB 401-FN**, relative to video tape depositions.
am 141-142, psd 217, nonconc S am, conf 784, 847, rep adop 895, 896,
enr 942 (Chapter 195)
- HB 403-FN**, clarifying penalty provisions for violations of local codes
and regulations, relative to district court jurisdiction over such
penalties, and enabling district court judges to issue temporary
orders enjoining violations of local land use regulations.
New title: clarifying penalty provisions for violations of local
codes and regulations, and relative to district court jurisdiction
over such violations.
conc S am 231, enr 645 (Chapter 19)
- HB 404-FN**, establishing a road pay-back fee system.
rem 81, am (RC) 121-127, psd 134, S nonconc 399
- HB 409**, requiring a grace period on finance charges imposed on credit
card purchases.
study 95, 968
- HB 411-FN**, relative to DWI penalties and sentencing.
K 42
- HB 417**, prohibiting discrimination against podiatrists.
K 184
- HB 418**, relative to mutual holding companies.
S conc 224, enr 403 (Chapter 2)
- HB 424**, relative to the fixing of public utility rates by the public
utilities commission.
K 172
- HB 429**, allowing the commissioner of corrections to delegate authority
in his absence to the assistant commissioner.
K 82
- HB 430**, relative to school employees upon district reorganization.
K 136
- HB 432**, authorizing licensed practical nurses to administer medication
to inmates of correctional institutions.
K 185
- HB 436**, relative to insurance coverage for home health care.
S nonconc 224
- HB 447**, relative to the right to know law.
rem 40, am 68-74, psd 80, S study 749, 968
- HB 452**, relative to a provisional drivers' licensing program for
persons under 18.
New title: relative to demerit points for younger drivers.
am 45-46, psd 80, S conc 399, enr 645 (Chapter 20)

- HB 461, relative to the corporate relations between electric power generators and distributors.
New title: establishing a committee to study the potential deregulation and vertical disintegration of the electric utility industry.
am 170-171, psd 217, S nonconc 748
- HB 467-FN, changing the cost-sharing formula for the Tilton and Northfield union school district.
New title: establishing a committee to study the allocation of funds and costs in the Tilton and Northfield union school district.
am 137-138, psd 217, S conc 748, enr 782 (Chapter 72)
- HB 472, relative to the siting of manufactured housing.
K 91
- HB 477-FN, relative to tuition for regional vocational education.
K 138
- HB 478-FN, relative to court-ordered counselling.
K 42
- HB 480, recodifying the county corrections laws.
nonconc S am, conf 231, 236, rep adop 705, enr 837 (Chapter 89)
- HB 494, relative to the rights of tenants to receive cable television.
rem 39, study 67, 968
- HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979.
psd 57-58, 80, S nonconc 343
- HB 499, relative to return of recovered property.
am 83, psd 134, conc S am 508, enr 672 (Chapter 43. Nulified by Chapter 88)
- HB 502, delegating site plan review powers to special site review committees.
am 91-92, psd 134, conc S am 641, enr 645 (Chapter 9)
- HB 504, permitting a person to be the candidate of only one party.
New title: relative to the placement of candidates' names on ballots.
am 56-57, psd 80, S nonconc 399
- HB 505, relative to pharmacy patient profile records.
K 141
- HB 510, relative to blood alcohol testing in the event of a motor vehicle fatality.
K 42
- HB 519, relative to consumer motor vehicle warranties.
K (RC) 48-50
- HB 521, amending the New Hampshire life and health insurance guaranty association act.
rem 39, study 68, 968

- HB 523, relative to alternative energy purchased power recovery.
study 171-172, 968
- HB 524-FN, creating a baccalaureate education system trust.
study 138, 968
- HB 527-FN, relative to prompt payments by the state.
K 40
- HB 531-FN, establishing a Portsmouth fire commission.
K 92
- HB 532, allowing real estate firms or brokers to establish interest
bearing trust account.
nonconc S am, conf 248-249, 318, S K 963
- HB 533-FN, relative to eligibility for unemployment benefits.
K (RC) 104-106
- HB 537-FN, relative to regulation of the practice of nursing.
am 173-182, psd 217, conc S am 749, enr 869 (Chapter 136)
- HB 539-FN, relative to costs to be excluded from a public utility's
rate base.
K 203
- HB 546-FN, relative to the time for closing the polls in statewide
elections.
New title: relative to the times for opening and closing the polls
in statewide elections:
am 172-173, psd 217, S conc 399, enr 645 (Chapter 10)
- HB 549-FN, enabling cities and towns to establish land banks.
study 92, 968
- HB 551-FN, relative to computer based public records.
New title: establishing a study committee relative to
computer-based public records.
am 138-140, psd 217, nonconc S am, conf 787, 847, 877, rep adop S
896, rules suspended (RC) 905-907, rep rej (RC) 919-921, IP 964
- HB 553-FN, providing health insurance to the indigent.
K 40
- HB 559-FN, relative to drug testing of public employees.
rem 81, K 121
- HB 560-FN, authorizing municipalities to collect 13 months of taxes for
each 12 month fiscal year.
K 92
- HB 561-FN, relative to provision of water supplies to victims of water
supply contamination, reimbursement of the oil pollution control
fund, and licensing of oil transporters.
S nonconc 224
- HB 564-FN, authorizing any city or town to issue revenue bonds.
rem 82, am 127-132, psd 134, conc S am 704, enr 782 (Chapter 90)

- HB 566-FN, relative to the time for making property tax assessments.
K 92
- HB 569-FN, relative to a long range capital improvement plan and integrated data system.
study 44, 968
- HB 571-FN, relative to the certification and financial management of life care facilities.
New title: relative to the certification and financial management of life care facilities and making an appropriation therefor.
nonconc S am, conf 231, 236, rep adop 440, enr 698, appointments 973 (Chapter 44)
- HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system.
New title: relative to registering and the numbering of boats operating on state waters.
rem 82, rcmt 133, rem 271, am 313-314, psd 317, S conc 439, enr 645 (Chapter 11)
- HB 577-FN, relative to employee leaves of absence for reserve training and public service.
K 106
- HB 581-FN, establishing minimum energy efficiency standards for appliances sold in the state.
K 40
- HB 585-FN, requiring emissions control inspections of motor vehicles.
New title: establishing a committee to study motor vehicle emissions controls.
am 46-47, psd 80, S K 963
- HB 587-FN, relative to possession of marijuana.
study 94, 968
- HB 592-FN, relative to facilities licensed under RSA 151.
study 141, 969
- HB 594-FN, establishing a victims' assistance program and a victims' assistance fund.
First new title: establishing a victims' compensation and assistance program and victims' compensation and assistance fund.
Second new title: relative to county victim assistance programs and making an appropriation therefor.
Third new title: relative to victims' assistance and establishing a victims' assistance fund.
am & Approp 83-85, am 510-511, psd 642, nonconc S am, conf 852, 859, 872, rep adop S 895, nonconc rep, new conf 896-897, 900, rules suspended (RC) 905-907, rep adop 919, enr am 936, enr 942 (Chapter 196)
- HB 602-FN, allowing a limited privilege driver's license to be issued after certain DWI license revocations.
study 142, 969

- HB 606-FN, relative to lock-up of children.
 First new title: relative to the lock up of children, the Anna Philbrook Center, and making an appropriation therefor.
 Second new title: relative to the lock up of children and the Anna Philbrook Center.
 am 47-48, psd 80, conc S am 846, recon, nonconc S am, conf 849, 859, rep adop 895, 900, enr am 939-940, enr 944 (Chapter 197)
- HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses.
 am & Approp 101-104, am 403-407, psd 438, S conc 748, enr 837 (Chapter 94)
- HB 614-FN, relative to insurers' reporting requirements and a consumer advocate.
 K 50
- HB 615-FN, creating a civil cause of action for unfair insurance trade practices.
 New title: relative to complaints of insurance unfair trade practices.
 am 40-41, psd 80, S nonconc 641
- HB 616-FN, limiting condominium conversions if vacancy rate is low.
 K 45
- HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority.
 New title: establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.
 am & Approp 203-209, rules suspended & K 675
- HB 620-FN, relative to workers' compensation.
 study 106, 969
- HB 621-FN, relative to computation of wages for purposes of workers' compensation benefits.
 K (RC) 199-202
- HB 622-FN, relative to actions against fellow employees.
 K 106
- HB 625-FN, changing the method of valuation for pleasure boats for the boat permit fee.
 First new title: increasing the boat permit and registration fees and depositing such moneys in the general fund.
 Second new title: increasing the boat permit and registration fees and depositing registration fee and certain permit fee moneys in the general fund.
 Third new title: relative to fees for boats and boat registration, and making certain appropriations.
 rem 40, am & Approp 74-78, am 547-553, psd 643, nonconc S am, conf 794, 851, rep adop 895, 916, enr 944 (Chapter 198)

- HB 627-FN, to provide a loss carry forward under the business profits tax.
New title: to provide a loss carry forward under the business profits tax and relative to partnership and proprietorship deductions for compensation.
am 214-216, psd 217, S conc 648, enr 786 (S recalled from governor)
conc S am 866, enr 927 (Chapter 199)
- HB 628-FN, providing tax incentives for New Hampshire business organizations.
K 106
- HB 636-FN, relative to solid waste management.
K 82
- HB 637-FN, relative to base development at Mount Sunapee.
K 44
- HB 639-FN, relative to certification of soil scientists.
New title: relative to certification of soil scientists and establishing a board of natural scientists.
am 58-60, psd 80, conc S am 866, enr am 932-933, enr 942 (Chapter 281)
- HB 642-FN, relative to approved furloughs and special purpose furloughs for prisoners.
K (RC) 65-66
- HB 645-FN, relative to school building aid.
rcmt 173, Approp (RC) 592-595, rules suspended 649, psd (RC) 659-660, 671, S refused intro 704, IP 963
- HB 648-FN, relative to municipal hazardous waste disposal responsibilities and liabilities.
First new title: creating a political subdivision waste disposal financial relief study committee and changing a statutory reference in the hazardous waste laws.
Second new title: relative to changing a statutory reference in the hazardous waste laws.
am 99-101, psd 134, conc S am 440, enr 645 (Chapter 12)
- HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse."
S nonconc 136
- HB 669-FN, reducing the rate of the business profits tax.
rem 40, K 78
- HB 672-FN, relative to workers' compensation permanent impairment awards.
K 121
- HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members.
New title: relative to accidental disability benefits for New Hampshire retirement system members and to retirement benefits for certain legislative and constitutional officers.
am & Approp 140-141, am 511-512, psd 642, conc S am 866, enr 927 (Chapter 282)

- HB 678-FN, relative to railroads.
K 82
- HB 680-FN, prohibiting certain computer telephone calls to residences.
study 95, 969
- HB 684-FN, relative to benefits for part-time state employees.
study 82, 969
- HB 685-FN, deferring payments for assessments made for municipal betterments benefiting land classified as open space land.
K 60
- HB 687-FN, relative to eligibility for disability payments to injured workers.
S nonconc 224
- HB 688-FN, allowing the Mascoma Valley regional school district to separate from school administrative unit 32.
K 138
- HB 697-FN, relative to the definition of "wages" for workers' compensation purposes.
S nonconc 224
- HB 705-FN, relative to itinerant vendors.
am 51-55, psd 80, conc S am 508, enr 672 (Chapter 27)
- HB 708, relative to excess electric generating capacity.
S nonconc 224
- HB 711-FN, relative to the probate courts.
K 42
- HB 714,, relative to assessment of open space land.
New title: relative to assessment of open space land and the adoption of rules by the commissioner of revenue administration for the purposes of RSA 79-A.
conc S am 249, enr 507 (Chapter 5)
- HB 715, relative to automobile depreciation for purposes of establishing insurance coverage fee rates.
K 41

1988 BILLS

- HB 731, relative to applications to vote for overseas voters. (Pierce of Ches. 17 - To Constitutional and Statutory Revision)
9, psd 365, 400, S conc 703, enr 746 (Chapter 73)
- HB 732-FN, relative to the workers' compensation special fund. (Warburton of Rock. 6 - To Labor, Industrial and Rehabilitative Services)
9, psd 239, 246, S conc 648, enr 698 (Chapter 34)
- HB 733, providing for state, federal and municipal cooperation through joint powers agreements. (Peyron of Sul. 2 et al - To State-Federal Relations)
9, K 383

- HB 734, relative to posting of bond by administrators of estates. (Green of Hill. 36 - To Judiciary)
9, rem 470, am 503-504, psd 506, nonconc S am, conf 784, 845, 847, rep adop 895, 897, enr 942 (Chapter 200)
- HB 735, relative to instructions to voters for straight ticket voting. (Campbell of Rock. 7 - To Constitutional and Statutory Revision)
9, study 365, 969
- HB 736, relative to voter addresses on checklists. (Pierce of Ches. 17 - To Constitutional and Statutory Revision)
9, rem 365, K 392
- HB 737, relative to appointing alternates for school board members on municipal budget committees. (Walker of Rock. 17; Robinson of Hill. 12 - To Education)
9, psd 366, 400, conc S am 792, enr 869 (Chapter 188)
- HB 738, relative to "for sale" signs in manufactured housing parks. (Malcolm of Rock. 17 - To Municipal and County Government)
10, K 375
- HB 739, relative to appeals from the denial of building permits in municipalities without zoning ordinances. (Arnesen of Graf. 7 - To Municipal and County Government)
10, am 375-376, psd 400, S conc 791, enr 854 (Chapter 131)
- HB 740, relative to voluntary mediation in divorce proceedings. (Jacobson of Mer. 2 - To Judiciary)
New title: establishing standards for marital mediators and relative to voluntary marital mediation in divorce proceedings.
10, am 482-485, psd 506, conc S am 866, enr 927, veto sustained (RC) 953-954
- HB 741, relative to horsepower of motors on Spectacle Pond in the towns of Enfield and Grafton. (Christy of Graf. 11 et al - To Resources, Recreation and Development)
10, psd 242, 246, S conc 439, enr 645 (Chapter 21)
- HB 742, relative to bidding practices at auctions. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
10, K 424
- HB 743, relative to security deposits on rental property. (Chambers of Graf. 12 - To State Institutions and Housing)
10, am 501, psd 507, conc S am 843, enr 869 (Chapter 167)
- HB 744, relative to contracts for the retail installment sales of motor vehicles. (Baldizar of Hil. 22 - To Commerce, Small Business and Consumer Affairs)
10, am 424-425, psd 438, S nonconc 791
- HB 745, requiring credit reporting agencies to update credit report data within 12 months preceding issuance of a report. (Pantelakos of Rock. 24)
not introduced

- HB 746, relative to legalizing the Winchester town meeting. (Clark of Ches. 3 - To Municipal and County Government)
10, psd 535, 643, conc S am 792, enr 869 (Chapter 137)

- HB 747, relative to the operation of bingo games at agricultural fairs. (Phelps of Mer. 1 - To Regulated Revenues)
10, psd 285, 317, S nonconc 440

- HB 748-FN-A, relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor. (Kidder of Mer. 2; Sallada of Hil. 4 - To Legislative Administration)
First new title: relative to the division of historical resources, creating the position of state curator, and creating the position of assistant director of state planning and making an appropriation therefor.
Second new title: relative to the division of historical resources, creating the position of state curator, and making an appropriation therefor.
10, am & Approp 253-254, psd 407, 438, conc S am 866, enr 931 (Chapter 201)

- HB 749, permitting persons qualified to hunt from motor vehicles to hunt from OHRV's and ATV's. (Boucher of Rock. 23 - To Fish and Game)
10, am 320-321, psd 343, S conc 748, enr 837 (Chapter 95)

- HB 750, relative to notification of land surveys to abutting landowners. (Watson of Hil. 13 - To Municipal and County Government)
10, K 487

- HB 751, relative to surrogate parenting contracts. (Green of Hil. 36 - To Judiciary)
10, study 452, 969

- HB 752, repealing the restriction on horsepower on Hermit Lake in the town of Sanbornton. (Maviglio of Bel. 1 - To Resources, Recreation and Development)
10, K 286-287

- HB 753, reinstating the charter of Bethlehem Mink Farm, Inc. (Densmore of Graf. 3 - To Constitutional and Statutory Revision)
First new title: reinstating the charter of Bethlehem Mink Farm, Inc. and the charter of James A. Smith Contracting, Inc.; and relative to revival of charters of dissolved nonprofit organizations.
Second new title: reinstating the charter of Bethlehem Mink Farm, Inc. and the charter of James A. Smith Contracting, Inc.
10, psd 365, 400, conc S am 704, enr am 931, enr 943 (Chapter 202)

- HB 754-A, making an appropriation to acquire abandoned railroad rights of way. (Ingram of Sul. 4; Hoar of Rock. 6 - To Public Works)
New title: making an appropriation to acquire abandoned railroad rights-of-way and to rebuild, modernize and maintain the Rochester-Ossipee branch line, and relative to transfer of state railroad property interests to the city of Keene.
10, Approp 261-262, psd 512, 642, conc S am 749, enr 854 (Chapter 154)

- HB 755, relative to the Goffstown police department. (Gage of Hil. 6 - To Municipal and County Government)
10, psd 325, 344, S conc 703, enr 746 (Chapter 74)
- HB 756, prohibiting harassment of police dogs or horses. (Gage of Hil. 6; Sen. Bond - To Judiciary)
New title: prohibiting interference with police dogs or horses.
10, am 250, psd 268, nonconc S am, conf 649, 674, 749, rep adop 873, 874, enr 927 (Chapter 203)
- HB 757-FN-A, exempting direct obligations of the United States government from taxation under the interest and dividends tax. (Whittemore of Mer. 10 - To Ways and Means)
10, K 290
- HB 758-FN, establishing a committee to study the juvenile justice system and juvenile delinquency. (Rodeschin of Sul.2 et al - To Children, Youth and Elderly Affairs)
New title: establishing a committee to study the juvenile justice system and juvenile delinquency, and relative to the age of criminal responsibility.
10, am (RC) 582-585, psd 644, nonconc S am, conf 849, 859, rep adop 895, 897, enr 943, appointments 973 (Chapter 204)
- HB 759-FN-A, relative to constructing facilities for the office of the chief medical examiner and making an appropriation therefor. (Pearson of Bel. 5 - To Public Works)
10, am & Approp 245, am 407-408, psd 438, S nonconc 748
- HB 760, relative to motor vehicles exempted from regulation as motor carriers. (Jacobson of Hil. 26; Donovan of Hil. 26 - To Transportation)
10, K 432
- HB 761-FN-A, establishing a division of fleet administration and making an appropriation therefor. (LaMott of Graf. 5 - To Executive Departments and Administration)
11, K 277
- HB 762-FN-A, making supplemental appropriations to the fish and game department. (LaMott of Graf. 5 - To Appropriations)
11, psd 350, 362, S conc 748, enr am 853, enr 869 (Chapter 138)
- HB 763, prohibiting the operation of wet bikes on Arlington Mill Reservoir in the town of Salem. (Campbell of Rock. 20 - To Resources, Recreation and Development)
New title: relative to the operation of ski craft on the lakes, ponds, and rivers of the state.
11, psd 387, 401, nonconc S am, conf 856-857, 859, rep adop 895, 898, enr am 935, enr 942, appointments 973 (Chapter 283)
- HB 764-FN-A, relative to access points to a lake and making an appropriation therefor. (Sallada of Hil. 4 - To Fish and Game)
11, study 281, 969

- HB 765-FN-A, relative to the printing of "New Hampshire Historical Markers", and making an appropriation therefor. (Sallada of Hil. 4 - To Public Works)
 New title: relative to the printing of "New Hampshire Historical Markers", and making an appropriation therefor, and relative to a memorial for Governor Sherman Adams.
 11, Approp 242, psd 408, 438, conc S am 866, enr 932 (Chapter 205)
- HB 766, relative to utility easements. (West of Mer. 21 - To Municipal and County Government)
 11, am 325-326, psd 344, S conc 703, enr 746 (Chapter 75)
- HB 767, relative to the contracts made by nonprofit corporations. (Gross of Mer. 16 - To Judiciary)
 11, am 250, psd 268, S conc 641, enr 645 (Chapter 13)
- HB 768-FN, relative to the frequency of regional highway conferences. (Hoar of Rock. 6; Sen. Preston - To Public Works)
 11, psd 328, 344, S conc 648, enr 672 (Chapter 28)
- HB 769-FN, relative to rulemaking authority for the division of elderly and adult services. (Parks of Str. 6; Townsend of Sul. 1 - To Children, Youth and Elderly Affairs)
 11, am 271, psd 317, S conc 439, enr 645 (Chapter 14)
- HB 770-FN, relative to loan originators. (Lindblade of Sul. 5; Pantzer of Mer. 11 - To Commerce, Small Business and Consumer Affairs)
 New title: relative to loan scam operators.
 11, am 351, psd 363, S conc 674, enr 700 (Chapter 46)
- HB 771, relative to the election of Hillsborough county commissioners. (Ahrens of Hil. 13 - To Constitutional and Statutory Revision)
 11, rem 365, am 392-393, psd 400, S nonconc 704
- HB 772, providing for the classification of Lake Wentworth. (Chase of Car. 6 - To Resources, Recreation and Development)
 11, psd 329, 344, S conc 845, enr 869 (Chapter 189)
- HB 773-FN-A, making supplemental appropriations to the commission on the status of women. (Pariseau of Hil. 43 - To Appropriations)
 New title: relative to a legal holiday on June 21, 1988, celebrating New Hampshire's role in ratifying the United States Constitution and suspending the celebration of Fast Day for 1988.
 11, am 553-554, psd 643, S LT 865, S K 963
- HB 774-FN, relative to the New Hampshire municipal bond bank. (Ware of Hil. 18; Ahrens of Hil. 13 - To Commerce, Small Business and Consumer Affairs)
 11, am 351-352, psd 363, S conc 674, enr 700 (Chapter 52)
- HB 775, to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization. (Jones of Str. 6 - To Constitutional and Statutory Revision)
 First new title: to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization; and relative to revival of charters of dissolved nonprofit organizations.
 Second new title: to revive the charter of the Fuller Foundation of New Hampshire, Inc., a nonprofit organization.
 11, psd 365, 400, conc S am 704, enr am 930-931, enr 944 (Chapter 206)

- HB 776, relative to the examination of jurors. (Reardon of Hil. 37 - To Judiciary)
11, psd 282, 317, conc S am 704-705, enr 782 (Chapter 76)
- HB 777-FN, relative to real estate appraisals conducted by banks and other lending institutions for loan applicants. (Maviglio of Bel. 1 - To Commerce, Small Business and Consumer Affairs)
11, am 273, psd 317, conc S am 749, enr 837 (Chapter 96)
- HB 778, relative to the disqualification of certain election officials. (King of Rock. 4 - To Constitutional and Statutory Revision)
11, K 383
- HB 779-FN-A, requiring the installation of 2 traffic lights in Newport and making an appropriation therefor. (Peyron of Sul. 2; Flint of Sul. 2 - To Transportation)
11, Approp 266, K 408
- HB 780, relative to Loon Pond. (Stewart of Graf. 4 - To Resources, Recreation and Development)
11, K 287
- HB 781, amending the uniform limited partnership act. (Reardon of Hil. 37 - To Judiciary)
New title: amending the uniform limited partnership act and making reference changes in the disclosure of security takeovers act.
11, am 322-325, psd 343, S conc 674, enr 700 (Chapter 62)
- HB 782, relative to adoption of a uniform limited offering exemption. (Reardon of Hil. 37 - To Commerce, Small Business and Consumer Affairs)
11, K 474
- HB 783, relative to grandparents' visitation rights. (Skinner of Rock. 21; Daschbach of Ches. 2 - To Children, Youth and Elderly Affairs)
11, am 470-471, psd 506, S study 846, 969
- HB 784, relative to control share acquisitions. (Lindblade of Sul. 5; Pantzer of Mer. 11 - To Commerce, Small Business and Consumer Affairs)
New title: relative to disclosure of securities takeovers.
12, am 444, psd 507, conc S am 792, enr am 930, enr 943 (Chapter 207)
- HB 785-FN-A, relative to the installation of metal detectors at the entrances to the house and senate galleries, and making an appropriation therefor. (Dexter of Bel. 8 - To Legislative Administration)
12, K 239-240
- HB 786, prohibiting the transportation of persons and domesticated pets in open bed trucks. (Stewart of Graf. 4 - To Transportation)
12, K 470
- HB 787-FN, relative to alternative energy supply plans for nuclear electric generating facilities. (Ritzo of Rock. 18 - To Science, Technology and Energy)
12, K 543

- HB 788-FN-A**, relative to computing the rate of the normal yield tax. (Whittemore of Mer. 10; Sen. Hounsell- To Ways and Means)
12, K 310-311
- HB 789-FN**, relative to assessment of civil penalties under the workers' compensation law. (MacDonald of Rock. 7 - To Labor, Industrial and Rehabilitative Services)
12, psd 239, 246, S conc 648, enr 698 (Chapter 35)
- HB 790-FN**, relative to the public investments study committee. (Ahrens of Hil. 13 - To Ways and Means)
12, com changed 133, am 474-475, psd 506, conc S am 749, enr 837 (Chapter 97)
- HB 791**, prohibiting banks and mortgage companies from engaging in certain activities. (Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
12, K 445
- HB 792**, relative to traveling in the breakdown lane of certain state highways under certain conditions. (Bass of Hil. 7 - To Transportation)
12, K 416
- HB 793-FN**, requiring that a child's blood type be included on the birth certificate. (Domaingue of Hil. 42 - To Health and Human Services)
12, K 370
- HB 794-A**, making capital appropriations and supplemental capital appropriations. (Pearson of Bel. 5 et al - To Public Works)
12, Approp 307, am 554-556, psd 643, nonconc S am, conf 857, 859, rep adop 895, (RC) 901-903, enr 942 (Chapter 224)
- HB 795**, relative to motor vehicle liability policies. (Nixon of Hil. 6 - To Commerce, Small Business and Consumer Affairs)
12, am 475, psd 506, S conc 748, enr 782 (Chapter 77)
- HB 796-FN-A**, relative to a study of highways and bridges in Sullivan county between I-89 and I-91 and making an appropriation therefor. (Krueger of Sul. 6 et al - To Public Works)
12, study 310, 969
- HB 797**, relative to regulation of restaurants. (Watson of Hil. 13 - To Health and Human Services)
New title: relative to regulating the sanitary conditions of restaurants.
12, am 371, psd 400, S nonconc 791
- HB 798-FN**, relative to special function liquor licenses for clubs. (Casey of Str. 9; Nelson of Coos 8 - To Regulated Revenues)
First new title: relative to special function liquor licenses for clubs and special liquor licenses and permits for nonprofit organizations.
Second new title: relative to special function liquor licenses for clubs, certain liquor licenses and permits for nonprofit organizations and hotels, extension of certain liquor licenses to outside areas, and establishing a committee to study state liquor laws.
12, am 285-286, psd 317, conc S am 750, enr 854, appointments 973 (Chapter 132)

- HB 799-FN-A, relative to certain state publications and making appropriations for their more efficient production. (Burns of Coos 5; Phelps of Mer. 1 - To Legislative Administration)
12, Approp 240, am 512, psd 642, S conc 703, enr 700 (Chapter 47)
- HB 800-FN, relative to special plates for Pearl Harbor veterans. (Olimpio of Car. 7 - To Transportation)
12, K 354
- HB 801-FN, relative to composition of the dental board. (Vaughn of Rock. 27 et al - To Executive Departments and Administration)
12, am 597, psd 644, S study 704, 969
- HB 802, relative to the Trustees of the New Hampshire Annual Conference of the United Methodist Church. (Warburton of Rock. 6 - To Constitutional and Statutory Revision)
12, K 365-366
- HB 803, relative to OHRV operation. (Foss of Coos 2 - To Fish and Game)
First new title: relative to snowmobile operation and changing compliance dates for ATV manufacturers.
Second new title: relative to OHRV operation and changing compliance dates for ATV manufacturers.
13, am 335-336, psd 344, nonconc S am, conf 674, 749, rep adop 874, enr am 932, enr 942 (Chapter 208)
- HB 804-FN, establishing a study committee on alternative electrical generation. (Foss of Coos 2 - To Science, Technology and Energy)
13, K 543
- HB 805, relative to manslaughter. (Gage of Rock. 13 - To Judiciary)
13, K 608-609
- HB 806, relative to the price of wine. (Phelps of Mer. 1 - To Regulated Revenues)
13, psd 254, 268, S conc 439, enr 645 (Chapter 15)
- HB 807-FN-A, relative to the executive director of the state liquor commission and making an appropriation therefor. (Phelps of Mer. 1 - To Regulated Revenues)
13, K 264-265
- HB 808-FN, to change the liquor vendor license fees charged by the liquor commission. (Phelps of Mer. 1 - To Regulated Revenues)
13, study 495, 969
- HB 809, requiring manufacturers of lucky 7 tickets to record serial numbers of every ticket sold in the state. (Phelps of Mer. 1; Sen. Podles - To Regulated Revenues)
13, K 286
- HB 810-FN, relative to overseas voters. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)
13, psd 366, 400, S conc 703, enr am 928-929, enr 944 (Chapter 209)

- HB 811-FN-A, relative to preventative services for certain adults and making an appropriation therefor. (Townsend of Sul. 1 et al - To Children, Youth and Elderly Affairs)
First new title: establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders and making an appropriation therefor.
Second new title: establishing a task force to study the issue of spousal impoverishment of victims of Alzheimer's disease and related disorders.
13, rem 270, am & Approp 311-313, psd 512, 642, conc S am 846, enr 871, appointments 974 (Chapter 157)
- HB 812, relative to mutual savings banks. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
New title: relative to mutual savings banks and mutual holding companies.
13, psd 445, 507, conc S am 843, enr 869 (Chapter 168)
- HB 813-FN, relative to liens on real property for hazardous waste cleanup costs. (Tarpley of Hil. 9; Holden of Hil. 9 - To Environment and Agriculture)
13, K 319
- HB 814-FN, relative to penalties imposed by and the staff of the pharmacy board. (Stio of Mer. 5 - To Executive Departments and Administration)
First new title: relative to fines imposed by and the staff of the pharmacy board.
Second new title: relative to fines imposed by and the staff of the pharmacy board, and relative to making an appropriation to the pharmacy board.
Third new title: relative to fines imposed by and the staff of the pharmacy board, and relative to making an appropriation to the pharmacy board.
13, am 476-477, psd 506, conc S am 866, enr 932 (Chapter 210)
- HB 815-FN, relative to the joint committee on elderly affairs. (Parks of Str. 6 et al - To Children, Youth and Elderly Affairs)
13, am 271, psd 317, conc S am 641, enr 645, appointments 977 (Chapter 16)
- HB 816, prohibiting the hunting of mourning doves in New Hampshire. (Rehlander of Mer. 8 - To Fish and Game)
13, psd 336, 344, S conc 791, enr 854 (Chapter 155)
- HB 817-FN, relative to coordinating programs for the elderly. (Parks of Str. 6 et al - To Children, Youth and Elderly Affairs)
13, am 272-273, psd 317, S conc 641, enr 645 (Chapter 22)
- HB 818, relative to the taking of trout. (Dickinson of Car. 2 - To Fish and Game)
13, am 370, psd 400, nonconc S am, conf 787, 847, rep adop 874, enr 927 (Chapter 211)
- HB 819, relative to the setting of black bear seasons. (Perham of Hil. 10 - To Fish and Game)
New title: relative to the setting of black bear seasons and emergency closing of seasons.
13, am 336, psd 344, nonconc S am, conf 674, 749, 773, rep adop 874, enr 928 (Chapter 212)

- HB 820, relative to the hunter safety program. (Dionne of Str. 5 - To Fish and Game)
New title: relative to the hunter education program and bow and arrow licenses.
13, am 336-338, psd 344, nonconc S am, conf 787, 847, rep adop 874, enr 928 (Chapter 213)
- HB 821, legalizing the Atkinson town meeting. (Flanagan of Rock. 8; Gourdeau of Rock. 8 - to Municipal and County Government)
First new title: legalizing certain town meetings and hearings.
Second new title: legalizing certain town meetings and hearings and relative to a statutory procedure for curing legal defects in town meetings.
13, am 614, psd 644, nonconc S am, conf 849, 860, rep adop 895, 898, enr 943 (Chapter 284)
- HB 822, relative to prescription refills. (Sullivan of Hil. 39 - To Health and Human Services)
13, am 384, psd 401, S nonconc 791
- HB 823, relative to collective bargaining. (Blanchette of Rock. 12; Gage of Rock. 20 - To Labor, Industrial and Rehabilitative Services)
13, K (RC) 459-461
- HB 824, relative to area school district agreements. (Vaughn of Rock. 27; McCann of Str. 7 - To Education)
First new title: relative to AREA school district agreements and relative to staff services to school administrative units, and making an appropriation therefor.
Second new title: relative to area school district agreements, staff services to school administrative units, and the Tilton/Northfield formula.
14, am 527-528, psd 643, nonconc S am, conf 852, 860, rep adop 895, 898, enr am 939, enr 942 (Chapter 214)
- HB 825-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test by a certified breathalyzer operator, or if the results of such tests by certified breathalyzer operators show that a DWI offense has been committed. (Lussier of Str. 8 - To Judiciary)
14, K 486
- HB 826-FN-A, authorizing the hiring of a consultant to review the effectiveness of foundation aid, and making an appropriation therefor, and relative to the teacher shortage study committee. (Robinson of Hil. 12 et al - To Education)
14, am & Approp 276-277, psd 512, 642, S nonconc 865
- HB 827-FN, relative to health screening for members of the general court. (Sochalski of Rock. 23 - To Legislative Administration)
14, am 372, psd 400, S conc 845, enr 869 (Chapter 139)
- HB 828-FN, relative to school administrative units. (Arnott of Ches. 14 - To Education)
14, K 238-239
- HB 829, relative to the definition of manufactured housing park. (Butler of Rock. 11 - To Municipal and County Government)
14, K 376-377

- HB 830-FN-A, making a supplemental appropriation for costs of nursing home care. (Ramsay of Ches. 10; Weymouth of Graf. 2 - To Appropriations)
14, K 512

- HB 831-FN-A, relative to reimbursement for oil spill damage and making an appropriation therefor. (Vaughn of Rock. 27 et al - To Resources, Recreation and Development)
New title: relative to a one-time reimbursement for oil spill damage and making an appropriation therefor and relative to the administration of the oil pollution control fund.
14, am & Approp 287-288, psd 556, 643, S conc 748, enr 782 (Chapter 78)

- HB 832, establishing a 10-year bridge construction and reconstruction plan. (Pearson of Bel. 5; Chamberlin of Str. 4 - To Public Works)
14, psd 469, 507, nonconc S am, conf 787, 847, rep adop 895, 900, enr 943 (Chapter 215)

- HB 833, limiting the liability of housing finance board members and library volunteers. (Skinner of Rock. 21 - To Judiciary)
First new title: relative to the defense and indemnification of housing finance board officials and employees.
Second new title: relative to the defense and indemnification of housing finance authority officials and employees.
14, am 529-530, psd 643, conc S am 792, enr 869 (Chapter 169)

- HB 834, relative to prima facie evidence. (Jacobson of Mer. 2 - To Judiciary)
14, am 452, psd 507, S nonconc 791

- HB 835, requiring a subcommittee of the house transportation committee to study the New Hampshire laws regarding motor vehicle salvage certificates of title and salvage vehicles. (Gordon of Ches. 5; Haynes of Rock. 9 - To Transportation)
14, study 417, 969

- HB 836-FN, amending various highway laws. (Gordon of Ches. 5; Haynes of Rock. 9 - To Transportation)
14, rem 403, study 436, 969

- HB 837, closing the clam flats in the towns of Hampton and Seabrook. (Baker of Hil. 19 - To Fish and Game)
14, K 321

- HB 838, relative to commemorating Constitution Day in public schools. (Welch of Rock. 10 et al - To Education)
14, K 366

- HB 839-FN, relative to discretionary provision of electric power services to certain consumers by public electric utilities. (Hall of Mer. 7 - To Science, Technology and Energy)
14, am & K 619-620

- HB 840, appointing the chief of permitting, division of water supply and pollution control, to the wetlands board. (Whittemore of Mer. 10 et al - To Executive Departments and Administration)
14, K 320

- HB 841-FN-A, establishing a commission to study the state's water use and making an appropriation therefor. (McCann of Str. 7 et al - To Resources, Recreation and Development)
14, study 255, 969
- HB 842, enabling the town of Madison to revoke the charter of the village district of Eideweiss. (Holmes of Car. 3 - To Municipal and County Government)
First new title: establishing a committee to study regulating development in unincorporated and unorganized places and placing a moratorium on sewage or waste disposal system construction in unincorporated and unorganized places.
Second new title: granting county commissioners planning and zoning authority in unincorporated and unorganized places.
Third new title: granting county commissioners planning and zoning authority in unincorporated and unorganized places and establishing a legislative study committee relative to these places.
15, am 462-464, psd 507, nonconc S am, conf 784, 847, rep adop (RC) 874-876, enr am 932, enr 942, appointments 974 (Chapter 216)
- HB 843-FN-A, appropriating funds for the Northeast Rural Water Association for equipment, technical assistance and training to rural water systems. (McCann of Str. 7 et al - To Resources, Recreation and Development)
15, Approp 242, psd 512-513, 642, S conc 748, enr 837 (Chapter 98)
- HB 844-FN, relative to free transit through turnpike system toll booths. (Buckley of Hil. 42 - To Public Works)
15, K 328
- HB 845-FN, relative to the department of corrections. (Sytek of Rock. 20 - To Judiciary)
First new title: relative to the department of corrections, allowing psychologists to conduct examinations for purposes of nonemergency involuntary admissions, and making an appropriation to the department of corrections.
Second new title: relative to the department of corrections, and making an appropriation to the department of corrections.
15, am & Approp 282-284, am 408-409, psd 438, conc S am 847, enr 871 (Chapter 170)
- HB 846, relative to the possession and dispensing of prescription drugs by non-pharmacists. (Sytek of Rock. 20 - To Health and Human Services)
15, rem 365, psd 393, 400, S conc 865, enr 871 (Chapter 158)
- HB 847-FN-A, making a supplemental appropriation for indigent defense. (Sytek of Rock. 20 et al - To Appropriations)
First new title: relative to indigent defense and making a supplemental appropriation therefor.
Second new title: relative to indigent defense and making an appropriation therefor.
Third new title: relative to indigent defense.
15, rem 350, am & psd 359-362, nonconc S am, conf 853, 860, rep adop 895, 898, enr am 936, enr 942 (Chapter 225)

- HB 848, relative to burials on private property. (Olimpio of Car. 7 - To Public Protection and Veterans Affairs)
15, am 240, psd 246, nonconc S am, conf 649, 674, 749, rep adop 792, enr 869 (Chapter 140)
- HB 849-FN, relative to claims against the state. (Fraser of Mer. 6; Sen. Bond - To Executive Departments and Administration)
15, am 366-367, psd 400, S conc 648, enr 698 (Chapter 36)
- HB 850, exempting motor vehicles carrying washed sand, screened loam, and crushed stone to be used for construction in this state from regulation by the public utilities commission. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
First new title: exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond.
Second new title: exempting motor vehicles carrying washed sand, screened loam and crushed stone from obtaining a cargo insurance policy or indemnity bond and relative to mineral extraction.
15, am 412, psd 438, conc S am (RC) 843-845, enr am 868-869, enr 928 (Chapter 285)
- HB 851-FN, prohibiting the detention or incarceration of persons under the age of 18 years in county correctional facilities. (Skinner of Rock. 21; Welch of Rock. 10 - To Judiciary)
15, study 385, 969
- HB 852-FN, relative to New Hampshire hospital personnel. (Butler of Rock. 11 et al - To Executive Departments and Administration)
New title: relative to New Hampshire hospital personnel and relative to claims arising from the clinical operation and administration of New Hampshire hospital.
15, am 477, psd 506, nonconc S am, conf 794, 860, rep adop 895, 900, enr 943, appointments 979 (Chapter 217)
- HB 853-FN, exempting the WIC program from state indirect cost rate requirements. (Parr of Rock. 17 et al - To Children, Youth and Elderly Affairs)
New title: relative to the WIC program, and making an appropriation therefor.
15, psd 471, 506, conc S am 846, enr 871 (Chapter 159)
- HB 854-FN, relative to special plates for county commissioners. (Dexter of Bel. 8 - To Transportation)
15, K 354
- HB 855-FN, relative to timber sales on fish and game department land. (Scanlan of Graf. 11 - To Fish and Game)
15, am & Approp 299, psd 409, 438, S nonconc 704
- HB 856-FN, relative to herbicide applications on utility rights-of-way. (Whittemore of Mer. 10 - To Environment and Agriculture)
15, study 475, 969
- HB 857, relative to public utility herbicide and pesticide applications near domestic water supplies. (Whittemore of Mer. 10; Dingle of Str. 4 - To Environment and Agriculture)
15, K 319

- HB 858-FN, relative to fetal alcohol syndrome. (Wilson of Str. 4; Torr of Str. 6 - To Health and Human Services)
15, am 301, psd 317, nonconc S am, conf 784, 847, rep adop 895, 900, enr 944 (Chapter 226)
- HB 859-A, making an appropriation for the purchase of a building for the division for children and youth services. (Johnson of Mer. 5 - To Public Works)
15, Approp 254, psd 409, 438, S conc 703, enr 700 (Chapter 61)
- HB 860-FN, relative to New Hampshire motor vehicle license plates. (Warburton of Rock. 6; Gordon of Mer. 7 - To Transportation)
15, K 391
- HB 861-FN, requiring insurers to notify the labor commissioner and the insurance commissioner when an employer cancels a group health insurance policy. (Knight of Mer. 14 et al - To Commerce, Small Business and Consumer Affairs)
15-16, K 291
- HB 862-FN, relative to solid waste disposal and source reduction. (Greene of Rock. 18 et al - To Environment and Agriculture)
New title: relative to solid waste disposal and source reduction and making an appropriation therefor.
16, ext 245-246, am & Approp 354-359, am 556-557, psd 643, nonconc S am, conf 854, 860, rep adop 895, 900, enr 942, appointments 974 (Chapter 227)
- HB 863-FN-A, relative to an intrastate computer system to record outstanding arrest warrants for misdemeanors and continually appropriating interest assessments on overdue traffic violation fines for the funding of such system. (Barnes of Rock. 6 - To Judiciary)
First new title: relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors and making an appropriation therefor.
Second new title: relative to an intrastate computer system within the division of state police to record outstanding arrest warrants for misdemeanors, establishing a police communications specialist position within the division of state police, and making an appropriation therefor.
16, am & Approp 250-251, am 409-410, psd 438, conc S am 867, enr 932 (Chapter 228)
- HB 864-FN, authorizing the public utilities commission to regulate cable television systems. (Smith of Hil. 21 et al - To Commerce, Small Business and Consumer Affairs)
16, study 413, 970
- HB 865-FN, enabling towns and village districts to hold special meetings for zoning ordinance amendments. (Lown of Hil. 9 - To Municipal and County Government)
16, am 487-489, psd 506, S nonconc 704
- HB 866-FN-A, transferring the administrative rules division of the office of legislative services to the jurisdiction of the joint legislative committee on administrative rules and making an appropriation therefor. (Palumbo of Rock. 10; Phelps of Mer. 1 - To Legislative Administration)
16, K 284

- HB 867-FN, relative to bonding authority for the Conway village fire district. (Allard of Car. 2 et al - To Municipal and County Government)
16, psd 326, 344, S conc 649, enr 698 (Chapter 37)
- HB 868-FN-A, establishing mediation pilot programs and making an appropriation therefor. (Jacobson of Mer. 2 - To Judiciary)
16, study 251, 970
- HB 869-FN, establishing standards for mediators. (Jacobson of Mer. 2; Sen. Nelson - To Judiciary)
16, K 486
- HB 870-FN, relative to surety bonds for county treasurers and other county officers. (Matson of Ches. 7; West of Mer. 21 - To Municipal and County Government)
New title: relative to surety bonds for county treasurers and other county officers, and relative to the administration of RSA 78-B by the commissioner of revenue administration.
16, am 489, psd 506, S conc 649, enr 698 (Chapter 38)
- HB 871, relative to damages for wrongful death. (Hollingworth of Rock. 17; Blanchette of Rock. 12 - To Judiciary)
16, am 530-531, psd 643, S nonconc 791
- HB 872-FN, regulating risk retention groups and purchasing groups. (Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
16, psd 249, 268, conc S am 750, enr 854 (Chapter 133)
- HB 873, changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety. (Cusson of Hill. 35 - To Transportation)
First new title: changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety and providing for independent inspectors for carnival and amusement rides.
Second new title: changing the title of "safety inspectors" to "highway enforcement officers" in the department of safety providing for independent inspectors for carnival and amusement rides, and relative to the bureau of common carriers.
16, am & Approp 417-418, rules suspended 436, psd 513, 642, nonconc S am, conf 854, 860, rep adop 895, 900, enr am 938, enr 942 (Chapter 288)
- HB 874, permitting every county attorney to appoint an assistant county attorney. (Cusson of Hill. 35 - To Municipal and County Government)
16, am 326, psd 344, S conc 674, enr 700 (Chapter 63)
- HB 875-FN, establishing a committee to study employment conditions at human services care providers contracting with the state. (Densmore of Graf. 3 - To Health and Human Services)
16, psd 371, 400, S nonconc 846
- HB 876, relative to restricting speed limits of boats in certain coves on Squam Lake. (Maviglio of Bel. 1 et al - To Transportation)
First new title: relative to restricting waterskiing in certain coves on Squam Lake.

Second new title: relative to restricting speed limits of boats in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire.

Third new title: relative to restricting water-skiing in certain coves on Squam Lake.

Fourth new title: relative to restricting waterskiing in certain coves on Squam Lake and making a supplemental appropriation to the University of New Hampshire.

16, am & Approp 418-419, rules suspended 436, am 557-558, psd 643, conc S am 845, enr am 932, enr 942 (Chapter 229)

- HB 877, relative to assistance to handicapped persons at motor fuel service stations. (Zis of Hil. 28; Hollingworth of Rock. 17 - To Transportation)
16, K 383
- HB 878-FN, establishing a committee to study the health care benefits of retired policemen and firemen. (Hawkins of Bel. 5 - To Executive Departments and Administration)
New title: establishing a committee to study the benefits of policemen and firemen.
16, am & Approp 367-368, rules suspended 399, am 513-514, psd 642, S nonconc 791
- HB 879-FN, establishing a study committee relative to the promotion of electric vehicles in the state. (Chandler of Mer. 21 - To Transportation)
17, psd 419, 438, S nonconc 649
- HB 880, relative to certification of water quality laboratories. (Bardsley of Mer. 1; Conroy of Rock. 7 - To Resources, Recreation and Development)
17, am 535-536, psd 643, conc S am 845, enr 869 (Chapter 171)
- HB 881-FN, relative to weights and measures. (Steiner of Hil. 33 - To Environment and Agriculture)
17, psd 319, 343, nonconc S am, conf 674, 749, 750, rep adop 895, 900, IP 963
- HB 882, relative to the rights and obligations of an injured employee under the workers' compensation law. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
17, study 534, 970
- HB 883-FN, relative to resident and nonresident wholesale marine species licenses. (Drake of Rock. 18; LaMott of Graf. 5 - To Fish and Game)
17, am 321-322, psd 343, S conc 748, enr 837 (Chapter 99)
- HB 884, relative to payment of rent by tenants. (Bourque of Hil. 35 - To State Institutions and Housing)
17, am 256-257, psd 268, S conc 747, enr 837 (Chapter 100)
- HB 885, relative to taking a boating safety course if convicted of any offense while boating. (Maviglio of Bel. 1; Blair of Graf. 8 - To Transportation)

New title: relative to establishing a boat safety fund; and requiring a boat safety course or administrative fine for offenses while boating.

17, rem 403, Approp 436, rules suspended 436-437, am 558-559, psd 643, nonconc S am, conf 785, 847, rep adop 874, 876, enr am 929, enr 943 (Chapter 286)

HB 886, relative to the board of trustees of the university system of New Hampshire. (Tufts of Rock. 13 - To Education)
17, psd 595, 644, S study 749, 970

HB 887, relative to the jurisdiction of marine patrol officers. (Bardsley of Mer. 1 et al - To Transportation)
17, am 419-420, psd 438, conc S am 845, enr 869 (Chapter 141)

HB 888, relative to the qualifications of the director of water supply and pollution control. (Holmes of Car. 3; Bardsley of Mer. 1 - To Executive Departments and Administration)
17, am 477-478, psd 506, S nonconc 704

HB 889-FN, requiring all new statutes to be written in gender-neutral form. (Cushing of Rock. 14; McGovern of Rock. 27 - To Legislative Administration)
17, am 487, psd 506, S nonconc 846

HB 890-FN, relative to permits and responsibility for dams. (Whittemore of Mer. 10; Bardsley of Mer. 1 - To Resources, Recreation and Development)
17, am 288, psd 317, S nonconc 846

HB 891, relative to extended rulemaking authority of division directors of the department of environmental services. (Holmes of Car. 3; Bardsley of Mer. 1 - To Executive Departments and Administration)
17, K 478

HB 892, relative to the provision of power to customers by public utility. (Schwartz of Ches. 13 et al - To Science, Technology and Energy)
17, K 543

HB 893-FN-A, making a supplemental appropriation to the fish and game department. (LaMott of Graf. 5 - To Appropriations)
17, psd 350-351, 363, S conc 748, enr 837 (Chapter 101)

HB 894, relative to the authority of the city of Concord to provide limited water service to the town of Bow. (Hager of Mer. 21; Sen. McLane - To Municipal and County Government)
New title: relative to consideration of water companies as public utilities.
17, am 490, psd 506, S conc 791, enr 854 (Chapter 134)

HB 895-FN, relative to public school instruction on the effects of alcohol and controlled drugs. (Packard of Hil. 15 - To Education)
17, K 239

HB 896, permitting a corporation to limit the liability of its directors in its articles of incorporation. (Reardon of Hil. 37 - To Judiciary)
17, psd 427-428, 438, nonconc S am, conf 858, 865, S K 963

- HB 897, relative to annual reports of county officers. (Palumbo of Rock. 10 et al - To Municipal and County Government)
17, psd 326-327, 344, nonconc S am, conf 674, 749, rep adop 895, 900, enr am 935-936, enr 942 (Chapter 230)
- HB 898-FN, providing minimum occupational health and safety standards for the operation of video display terminals at places of employment. (Cushing of Rock. 14; Arnesen of Graf. 7 - To Labor, Industrial and Rehabilitative Services)
17, K 284
- HB 899-FN-A, relative to costs of municipal master plans and making an appropriation therefor. (Chambers of Graf. 12 et al - To Municipal and County Government)
New title: allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor.
18, Approp 260-261, am 514-515, psd 642, conc S am 750, enr 837 (Chapter 102)
- HB 900, extending the reporting dates for the study committee to examine the cooperative extension service and the fire law study committee. (Sherburne of Rock. 2 et al - To Legislative Administration)
New title: extending the reporting dates for the cooperative extension service and fire law study committees and extending the report date and appropriation of the environmental risk insurance fund study commission.
18, psd 372, 400, conc S am 793, enr 869 (Chapter 142)
- HB 901-FN, relative to construction work in progress of public utilities. (Foss of Coos 2 - To Commerce, Small Business and Consumer Affairs)
18, K (RC) 258-259
- HB 902, relative to county foresters. (Dickinson of Car. 2 - To Municipal and County Government)
18, am 327, psd 344, conc S am 793, enr 869 (Chapter 143)
- HB 903, relative to the office of the ombudsman. (Townsend of Sul. 1; Copenhaver of Graf. 12 - To Executive Departments and Administration)
18, study 528, 970
- HB 904-FN, relative to the Vermont state income tax. (Christy of Graf. 11 et al - To Judiciary)
18, am 251-252, psd 268, S conc 648, enr 672 (Chapter 29)
- HB 905, relative to surrogate parents appointed for educationally handicapped children. (Fillion of Mer. 15 - To Education)
18, psd 595, 644, conc S am 793, enr 869 (Chapter 172)
- HB 906, relative to combining certain school district offices and combining school district and town meetings. (Campbell of Bel. 5 - To Municipal and County Government)
18, K 254
- HB 907-FN, relative to district court jurisdiction in planning and zoning matters. (Hess of Mer. 9 - To Judiciary)
18, am 385-387, psd 401, S nonconc 649

- HB 908-FN**, relative to the salary of the superintendent of the Glenclyff home for the elderly. (LaMott of Graf. 5 - To Executive Departments and Administration)
18, K 368
- HB 909**, relative to responsibility for tenants' property taxes in manufactured housing parks. (Lussier of Str. 8; Doucette of Ches. 17 - To Municipal and County Government)
18, K 377
- HB 910**, relative to manufactured housing deeds. (Lussier of Str. 8; Doucette of Ches. 17 - To Municipal and County Government)
18, K 377
- HB 911**, relative to service of termination notice on a manufactured housing park tenant. (Lussier of Str. 8; Doucette of Ches. 17 - To Municipal and County Government)
18, am 614-615, psd 644, S conc 703, enr 700 (Chapter 48)
- HB 912**, relative to rules in manufactured housing parks. (Lussier of Str. 8; Doucette of Ches. 17 - To Municipal and County Government)
New title: relative to rules in manufactured housing parks and warranties for presite built and prefabricated housing.
18, am 490-492, psd 506, nonconc S am, conf 785, 848, rep adop 895, 900, enr 943 (Chapter 231)
- HB 913-FN-A**, requiring permits for rental lots in manufactured housing parks, establishing a manufactured housing section within the department of justice, and continually appropriating permit fees and penalties to a manufactured housing fund. (Lussier of Str. 8; Doucette of Ches. 17 - To Municipal and County Government)
18, K 377
- HB 914**, relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax. (Ahrens of Hil. 13 - To Ways and Means)
New title: relative to interest due with a return or estimated taxes in the business profits tax and the interest and dividends tax, and relative to a definition of the United States Internal Revenue Code for business profits tax purposes.
18, psd 257-258, 268, conc S am 641, enr 645 (Chapter 23)
- HB 915**, relative to age discrimination in retirement communities. (Hall of Mer. 7 - To State Institutions and Housing)
18, K 265
- HB 916-FN-A**, making a supplemental appropriation for child welfare. (Hall of Mer. 7 - To Appropriations)
18, K 515
- HB 917**, making technical changes for the department of revenue administration. (West of Mer. 21 - To Executive Departments and Administration)
New title: making technical changes for the department of revenue administration and relative to the taxation of transferable shares under the interest and dividends tax.
18, am 528-529, psd 643, nonconc S am, conf 835, 852, rep adop 896, S nonconc rep, new conf 897, rules suspended (RC) 905-907, rep rej (RC) 917-918, recon & rep adop (2 RC's) 923-926, enr 943 (Chapter 232)

- HB 918, relative to recording notices of federal environmental liens in the registry of deeds. (Chretien of Hil. 33 - To Municipal and County Government)
19, K 492
- HB 919-FN, relative to the matching requirements for vocational rehabilitation programs. (Sochalski of Rock. 23 - To Education)
19, Approp 239, psd 515, 642, S conc 865, enr 871 (Chapter 192)
- HB 920, relative to the boilers and pressure vessels law. (Nichols of Mer. 2 - To Public Protection and Veterans Affairs)
19, K 225
- HB 921-FN, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans. (Pearson of Bel. 5 et al - To Public Works)
19, am 342-343, psd 344, nonconc S am, conf 856, 861, S K 963
- HB 922-FN, relative to providing American flags for use in school classrooms. (Granger of Hil. 13 et al - To Public Protection and Veterans Affairs)
New title: relative to providing flags for use in school classrooms.
19, am 261, psd 268, S conc 648, enr 672 (Chapter 30)
- HB 923, relative to dredging on great ponds. (Dingle of Str. 4 et al - To Resources, Recreation and Development)
19, rem 319, rcmt 343, am 379, psd 401, S conc 703, enr 782 (Chapter 91)
- HB 924, to increase the age limit relative to the motor vehicle child restraint requirement. (Pappas of Hil. 37 et al - To Health and Human Services)
19, SO 359, psd (RC) 397-399, recon rej & psd 400, S K 963
- HB 925-FN, establishing a committee to study the feasibility of 10-month legislative sessions, with one session day per week. (Weddle of Rock. 24; Knight of Mer. 14 - To Legislative Administration)
19, K 325
- HB 926-FN, authorizing the public utilities commission to regulate cable television. (Knight of Mer. 14 et al - To Commerce, Small Business and Consumer Affairs)
19, K 413
- HB 927, concerning certain labor laws. (Knight of Mer. 14 et al - To Labor, Industrial and Rehabilitative Services)
19, study 534, 970
- HB 928-FN-A, appropriating funds to municipalities and regional planning commissions to encourage recycling programs. (Whittemore of Mer. 10 - To Environment and Agriculture)
19, K 277
- HB 929, to require health clubs to have one staff member trained in cardiopulmonary resuscitation techniques on duty during all operating hours. (Desrosiers of Hil. 43 - To Health and Human Services)
19, am 384-385, psd 401, S nonconc 791

- HB 930-FN, requiring severance pay to be paid to employees upon the closing of manufacturing facilities. (Cushing of Rock. 14 - To Commerce, Small Business and Consumer Affairs)
19, K 425
- HB 931, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts. (Ritzo of Rock. 18 - To Resources, Recreation and Development)
19, am 255, psd 268, S nonconc 440
- HB 932-FN-A, establishing a New Hampshire film and television bureau and making an appropriation therefor. (LaMott of Graf. 5 et al - To Executive Departments and Administration)
First new title: establishing a New Hampshire film and television bureau.
Second new title: establishing a New Hampshire film and television bureau and making an appropriation therefor.
19, am & Approp 277-278, psd 559, 643, nonconc S am, conf 856, 861, rep adop 895, 901, enr 943, veto sustained (RC) 955-956
- HB 933-FN-A, mandating testing for AIDS in county jails and making an appropriation therefor. (Burns of Hil. 11 - To Health and Human Services)
19, K 338
- HB 934, requiring an AIDS carrier to disclose that fact to certain persons. (Burns of Hil. 11 - To Health and Human Services)
20, K 338-339
- HB 935, relative to recording plats. (Bates of Str. 1 et al - To Municipal and County Government)
20, am 493, psd 506, nonconc S am, conf 849, 861, rep adop 895, 901, enr 943 (Chapter 233)
- HB 936, relative to discoverability of risk in product liability actions. (Bass of Hil. 7 - To Judiciary)
20, psd 371, 400, S conc 649, enr 698 (Chapter 39)
- HB 937-FN, relative to "on premise signs" in certain highway rights-of-way. (Beaton of Mer. 3; Sen. Disnard - To Public Works)
20, study 328, 970
- HB 938, relative to plaintiff's payment of defendant's costs in tort actions. (Townsend of Graf. 13 et al - To Judiciary)
20, study 416, 970
- HB 939-FN, relative to public notice and hearing before a hazardous waste cleanup. (Wright of Rock. 23 - To Environment and Agriculture)
20, K 319-320
- HB 940, relative to child support enforcement and paternity. (Arnold of Hil. 33 et al - To Children, Youth and Elderly Affairs)
20, am 522-524, psd 643, conc S am 867, enr am 929-930, enr 944 (Chapter 234)
- HB 941, to repeal the "poor loser" law. (Arnesen of Graf. 7 - To Constitutional and Statutory Revision)
20, K 447

- HB 942, relative to treatment by physical therapy. (McCain of Rock. 11 et al - To Health and Human Services)
20, am 449-451, psd 507, conc S am 867, enr 932 (Chapter 235)
- HB 943-FN, allowing the court to grant drivers' licenses conditional upon the use of ignition interlock breath alcohol devices after certain DWI license revocations. (Jacobson of Mer. 2 - To Judiciary)
New title: establishing a temporary program allowing the court to grant drivers' licenses conditional upon the use of ignition interlock devices after certain DWI license revocations and authorizing the house judiciary committee to continue its study of ignition interlock devices.
20, am 609-611, psd 644, S nonconc 748-749
- HB 944, enabling towns to hold special meetings to purchase land for conservation purposes. (Jacobson of Mer. 2 - To Municipal and County Government)
New title: enabling towns to hold special meetings to appropriate money for the purchase of land for conservation purposes.
20, am 377-378, psd 401, S nonconc 845
- HB 945, relative to the administrative procedure act. (Townsend of Sul. 1; Sen. Charbonneau - To Legislative Administration)
20, am 372-374, psd 400, conc S am 847, enr 871 (Chapter 173)
- HB 946, relative to denial, or threat of denial, of service by a public utility or its agents. (Cushing of Rock. 14 - To Science, Technology and Energy)
20, K 544
- HB 947-FN, relative to school system pupil registration information. (Fillion of Mer. 15 - To Education)
20, psd 239, 246, conc S am 705, enr 838 (Chapter 103)
- HB 948, allowing a village district to be established for the purposes of transportation of people in the village district. (King of Graf. 6 et al - To Municipal and County Government)
20, psd 254, 268, nonconc S am, conf 794, 851, rep adop 895, 901, IP 964
- HB 949-FN, establishing a task force to study the feasibility of a one-use needle distribution program to combat the spread of the AIDS virus. (Weddle of Rock. 24 - To Health and Human Services)
20, K 339
- HB 950, requiring statutory authorization for DWI roadblocks. (Welch of Rock. 10; Simon of Rock. 9 - To Judiciary)
20, rem 470, K 504
- HB 951, relative to the availability of school district annual reports. (Olimpio of Car. 7 - To Education)
20, K 384
- HB 952, relative to boating restrictions on Robinson Pond in the town of Hudson. (Smith of Hil. 21 et al - To Resources, Recreation and Development)
First new title: establishing a legislative committee to develop legislation relative to boating restrictions.

Second new title: establishing a legislative committee to study boating laws and rules relative to boating.

20-21, rem 509, am 636-638, psd 643, S nonconc 673

- HB 953-FN-A, relative to a fire protection system for the vault in the state archives and making an appropriation therefor. (Wright of Rock. 23; Sallada of Hil. 4 - To Legislative Administration)
21, Approp 284, psd 515, 642, conc S am 750, enr 854 (Chapter 135)
- HB 954, relative to the boilers and pressure vessels law. (Nichols of Mer. 2 - To Public Protection and Veterans Affairs)
21, am 240-241, psd 246, S conc 648, enr 672 (Chapter 31)
- HB 955-FN, relative to interstate banking. (Arnesen of Graf. 7; King of Graf. 6 - To Commerce, Small Business and Consumer Affairs)
21, am 273-274, psd 317, S nonconc 704
- HB 956-FN, reenacting the mini Davis-Bacon Act. (Cushing of Rock. 14 - To Labor, Industrial and Rehabilitative Services)
21, rcmt 303, K 461
- HB 957, relative to the powers of the Hooksett charter commission. (Hess of Mer. 9 - To Municipal and County Government)
21, K 378
- HB 958, transferring operation of the Eastern States Building from the department of agriculture to the department of resources and economic development. (LaMott of Graf. 5; O'Rourke of Hil. 35 - To Environment and Agriculture)
21, K 475
- HB 959, relative to the future energy supply needs of New Hampshire. (Foss of Coos 2 - To Science, Technology and Energy)
21, am 620-621, psd 644, S conc 845, enr 869 (Chapter 187)
- HB 960-FN, requiring facilities to notify fire departments about certain stored chemicals. (Price of Hil. 28 et al - To Public Protection and Veterans Affairs)
21, study 241, 970
- HB 961, relative to the minimum speed limit for town roads outside of the urban district. (Behrens of Sul. 3 - To Transportation)
21, K 420
- HB 962-FN-A, relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor. (Behrens of Sul. 3 - To Public Works)
First new title: relative to the study and design of a ski lodge at Mount Sunapee and making an appropriation therefor, and relative to certain major capital projects and water pollution control revolving loan fund.
Second new title: relative to a ski lodge and improvements at Mount Sunapee and making an appropriation therefor, and relative to certain major capital projects and the water pollution control revolving loan fund.
21, Approp 245, am 515, psd 642, nonconc S am, conf 857, 861, rep adop 895, 901, recon rej 926, enr am 934, enr 942 (Chapter 236)

- HB 963-FN, relative to certain public utility contracts. (Chamberlin of Str. 4; Foss of Coos 2 - To Science, Technology and Energy)
21, am 544-545, psd 643, conc S am 793, enr 869 (Chapter 174)
- HB 964, granting law enforcement officials and certain employees of the department of health and human services the right to enter, without the consent of parent or guardian, public and certain private places to interview children or elderly persons who may be abused or neglected. (Domini of Sul. 5 et al - To Children, Youth and Elderly Affairs)
New title: granting law enforcement officials and certain employees of the department of health and human services the right to enter without the consent of parent or guardian, public places to interview children who may be abused or neglected.
21, am 524, psd 643, conc S am 867, enr 931 (Chapter 237)
- HB 965-FN, establishing a study committee to examine the issue of parenting skills training. (Derosier of Hil. 26 et al - To Children, Youth and Elderly Affairs)
21, psd 471, 506, S nonconc 791
- HB 966, relative to cellular radio telecommunications services and cable television services. (Foss of Coos 2 - To Commerce, Small Business and Consumer Affairs)
New title: relative to cellular radio telecommunications services.
21, am 413-414, psd 438, S conc 674, enr 700 (Chapter 49)
- HB 967, relative to open claiming. (Fesh of Rock. 7 - To Regulated Revenues)
21, K 254
- HB 968-FN, authorizing imposition of administrative fines by the water well board. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
21, psd 243, 247, S conc 439, enr 645 (Chapter 17)
- HB 969-FN, establishing a committee to study the development of an integrated transportation system in southern New Hampshire and the seacoast area. (Cushing of Rock. 14 et al - To Transportation)
21, K 546-547
- HB 970-FN, establishing a fee for the review of certain project plans by the division of water supply and pollution control. (Holmes of Car. 3; Bardsley of Mer. 1 - To Resources, Recreation and Development)
22, am & Approp 536-537, rules suspended 649, rem 650, am 669, psd 671, S refused intro 704, IP 963
- HB 971-FN, relative to unclassified state employee salaries. (Gross of Mer. 16 - To Appropriations)
22, rules suspended 649, am 660-661, psd 671, S refused intro 704, IP 963
- HB 972, relative to annulments of drug convictions and convictions which may result in habitual offender status. (Flanders of Rock. 10; Malcolm of Rock. 17 - To Judiciary)
First new title: relative to annulments of drug convictions and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

Second new title: relative to annulments of drug convictions and convictions which may be counted toward habitual offender status, and permitting the director of motor vehicles to review revocation of licenses of habitual offenders for possible restoration under certain conditions.

22, am 531-533, psd 643, nonconc S am, conf 856, 861, rep adop 895, 901, enr am 933-934, enr 942 (Chapter 238)

HB 973, relative to adopting site plan review regulations. (Smith of Hil. 21 - To Municipal and County Government)
22, K 240

HB 974, relative to investment income as a factor in insurance rate setting. (Zis of Hil. 28; Hollingworth of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
22, K 414

HB 975, prohibiting state antitrust exemptions for insurance companies. (Zis of Hil. 28; Hollingworth of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
22, K 425

HB 976, relative to insurers' reporting requirements. (Zis of Hil. 28; Hollingworth of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
22, rem 403, K 435-436

HB 977-FN, relative to a feasibility study of an electronic benefit account system for welfare recipients. (Zis of Hil. 28; Hollingworth of Rock. 17 - To Health and Human Services)
22, K 371

HB 978, legalizing the Newmarket town meeting. (Blanchette of Rock. 12 - To Municipal and County Government)
First new title: legalizing certain town meetings and zoning board of adjustment proceedings.
Second new title: legalizing certain town meetings.
22, am 615, psd 644, nonconc S am, conf 787, 848, rep adop 895, 903, enr 943 (Chapter 239)

HB 979-FN-A, establishing a fact-finding board to review medical claims and making an appropriation therefor. (Jacobson of Mer. 2; Hall of Mer. 7 - To Executive Departments and Administration)
22, rem 271, study 313, 970

HB 980-FN, relative to penalties for sewage treatment violations. (Baldizar of Hil. 22 et al - To Resources, Recreation and Development.)
22, am 380, psd 401, nonconc S am, conf 787, 848, rep adop 895, 903, enr 943 (Chapter 241)

HB 981-FN, relative to renting video cassettes to minors and requiring proof of age for admission of minors to movies. (Baldizar of Hil. 22 et al - To Children, Youth and Elderly Affairs)
22, am 585-586, psd 644, S study 749, 970

- HB 982, relative to vehicles impeding the flow of traffic. (Knight of Mer. 14; Cowenhoven of Hil. 9 - To Transportation)
22, am 420, psd 438, S nonconc 704
- HB 983, relative to early betting on thoroughbred racing. (Rounds of Graf. 10 - To Regulated Revenues)
22, am 286, psd 317, S nonconc 649
- HB 984, restricting foreign interests in New Hampshire banks under the laws governing regional banking. (Foss of Str. 10; Sen. Hough - To Commerce, Small Business and Consumer Affairs)
22, K 414
- HB 985, relative to the penalty for littering from boats. (Maviglio of Bel. 1; Smith of Hil. 21 - To Transportation)
22, rem 403, rcmt 437, psd 625, 644, S nonconc 749
- HB 986, relative to driver's license revocation or denial for involvement with drugs and alcohol. (Flanders of Rock. 10 et al - To Transportation)
22, study 502, 970
- HB 987-FN-A, establishing a committee to study the conservation of the flags displayed in the hall of flags and making an appropriation therefor. (Hoar of Rock. 6 - To Legislative Administration)
22, K 284-285
- HB 988-FN, providing penalties for distribution of drugs and possession with intent to distribute drugs in or near schools. (Hess of Mer. 9 - To Judiciary)
22, K 252
- HB 989, relative to towed farm implements. (Schotanus of Sul. 1 et al - To Environment and Agriculture)
23, psd 320, 343, S conc 648, enr 672 (Chapter 32)
- HB 990-FN-A, relative to construction of a new facility for the Concord district court and making an appropriation therefor. (Schmidtchen of Rock. 23 - To Public Works)
First new title: relative to the planning and design of a new facility for the Concord district court and making an appropriation therefor.
Second new title: relative to maintenance of court facilities and relative to funding for the planning and design of new district court facilities.
23, am & Approp 262, psd 515, 642, nonconc S am, conf 857, 858, 861, rep adop S 896, rules suspended (RC) 905-907, rep adop 916, enr 942, veto sustained (RC) 956-959
- HB 991-FN, relative to dental benefits for persons receiving medical assistance. (Dexter of Bel. 8 et al - To Health and Human Services)
23, psd 451, 507, S study 846, 970
- HB 992, relative to local water resources and protection plans. (Blair of Graf. 8 et al - To Municipal and County Government)
23, rem 238, K 245

- HB 993, relative to the taking of beaver. (Drake of Rock. 18 - To Fish and Game)
23, psd 322, 343, conc S am 705, enr 782 (Chapter 79)
- HB 994, relative to donating blood for family members. (Sullivan of Hil. 39; O'Rourke of Hil. 35 - To Health and Human Services
23, K 281
- HB 995-FN, relative to exemption from the gasoline tax and state license plates. (O'Rourke of Hil. 35 et al - To Transportation)
23, am 359, psd 363, conc S am 750, enr 854, veto sustained (RC)
959-961
- HB 996-A, relative to the state's purchase of the Hillsborough county courthouse and to asbestos removal in the courthouse, and making an appropriation therefor. (Robinson of Hil. 12 et al - To Public Works)
First new title: relative to the state's purchase of the Hillsborough county courthouse and making an appropriation therefor, and relative to asbestos removal in the courthouse.
Second new title: making an appropriation for the state's purchase of the Hillsborough county courthouse.
23, am & Approp 263, psd 515, 642, conc S am 847, enr 869 (Chapter 175)
- HB 997-A, making an appropriation to air condition the state house and the state house annex. (Robinson of Hil. 12; Rounds of Graf. 10 - To Public Works)
23, K 263
- HB 998-FN, relative to liability of manufacturers. (Thurston of Bel. 9 et al - To Commerce, Small Business and Consumer Affairs)
23, am 274-275, psd 317, conc S am 793, enr 869 (Chapter 190)
- HB 999-FN, granting authority to the commissioner of environmental services to levy administrative fines for certain violations. (Whittemore of Mer. 10 - To Resources, Recreation and Development)
New title: granting authority to the commissioner of environmental services to levy administrative fines for certain violations, and authorizing the director, division of water supply and pollution control, to take certain emergency actions.
23, am 380-383, psd 401, S conc 649, enr 698 (Chapter 40)
- HB 1000-FN-A, relative to the Christa McAuliffe memorial and making an appropriation therefor. (Sallada of Hil. 4 - To Public Works)
23, am & Approp 307-310, am 559-561, psd 643, conc S am 845, enr 869, appointments 977 (Chapter 160)
- HB 1001-FN, relative to civil rights suits against municipal board members. (Lown of Hil. 9 - To Judiciary)
New title: relative to civil suits against municipal officials.
23, am 533, psd 643, S nonconc 791
- HB 1002-FN, relative to filing changes in condominium developments. (Lown of Hil. 9 - To Municipal and County Government)
23, K 493
- HB 1003, relative to fault grounds for divorce. (Gage of Rock. 13 et al - To Judiciary)
23, study 533, 970

- HB 1004, relative to the renewal of retired physicians' licenses.
(Doucette of Ches. 17 - To Health and Human Services)
23, K 352
- HB 1005, relative to vicious dogs. (Burns of Hil. 11; Sen. Pressly -
To Judiciary)
23, study 371-372, 970
- HB 1006-FN, relative to displacement of low-income residents from
residential rental dwellings. (Weddle of Rock. 24 - To State
Institutions and Housing)
23, study 329, 970
- HB 1007-FN, relative to the date when municipalities must make tax
payments to counties. (Bates of Str. 1 et al - To Municipal and
County Government)
23-24, psd 378, 401, S conc 649, enr 698 (Chapter 41)
- HB 1008-FN, relative to after market crash parts paid for by insurers.
(Fields of Hil. 13 et al - To Commerce, Small Business and Consumer
Affairs)
New title: relative to after market parts.
24, am 414-415, psd 438, conc S am 793, enr 869 (Chapter 176)
- HB 1009-FN, relative to managing tax supported state debt. (Kurk of
Hil. 3; Hayes of Mer. 21 - To Ways and Means)
24, am (RC) 628-632, psd 644, S nonconc 865
- HB 1010, relative to regulation of abortions. (Eaton of Ches. 4 et al
- To Judiciary)
24, study (RC) 455-457, 970
- HB 1011-FN, relative to a hazardous waste cleanup settlement policy.
(Wright of Rock. 23 - To Environment and Agriculture)
24, K 320
- HB 1012-FN, relative to motor vehicle emissions testing in Nashua.
(Durant of Hil. 32 - To Transportation)
24, K (RC) 625-627
- HB 1013, permitting notary publics and justices of the peace to
register voters. (Cusson of Hil. 35 - To Constitutional and
Statutory Revision)
24, K 366
- HB 1014, prohibiting jet skis on Nubanusett Lake and Spoonwood Pond in
the towns of Nelson and Hancock. (Riley of Ches. 5 et al - To
Transportation)
New title: prohibiting ski craft on Nubanusett Lake and Spoonwood
Pond in the towns of Nelson and Hancock.
24, am 420-421, psd 438, S nonconc 845
- HB 1015-FN, authorizing municipal ordinance violation boards.
(Jacobson of Mer. 2; Hall of Mer. 7 - To Municipal and County
Government)
24, K 254

- HB 1016-FN, relative to municipal borrowing due to certain bankruptcies. (Stio of Mer. 5 - To Municipal and County Government) 24, psd 464, 507, conc S am 750, enr 838 (Chapter 104)
- HB 1017-FN, relative to testing private water supplies for contaminants. (Katsakiores of Rock. 7 et al - To Resources, Recreation and Development) 24, rem 470, am & study 504-505, 971
- HB 1018-FN-A, imposing a supplemental road toll. (Chamberlin of Str. 4 et al - To Public Works) 24, study 264, 971
- HB 1019-FN-A, increasing financial aid for the North Swanzey sewer interceptors and making an appropriation therefor. (Matson of Ches. 7 et al - To Appropriations) 24, K 516
- HB 1020-FN, relative to occupational therapists and occupational therapy assistants. (Copenhaver of Graf. 12 - To Executive Departments and Administration)
New title: relative to occupational therapists and occupational therapy assistants and making an appropriation therefor. 24, am 478-480, psd 506, conc S am 793, enr 869 (Chapter 144)
- HB 1021-FN, relative to the treatment and care of inebriates. (Knight of Hil. 6 et al - To Health and Human Services)
New title: relative to the treatment and care of alcohol abusers, substance abusers, and alcohol and substance abusers. 24, am 301-302, psd 317, conc S am 867, enr 928 (Chapter 242)
- HB 1022-FN, relative to investment of public funds. (Ware of Hil. 18 et al - To Commerce, Small Business and Consumer Affairs) 24, am 445-446, psd 507, S nonconc 791
- HB 1023, prohibiting the use of jet skis on Silver Lake in the town of Harrisville. (Riley of Ches. 5; Sen. White - To Transportation)
New title: prohibiting the use of ski craft on Silver Lake in the town of Harrisville. 24, am 421, psd 438, S nonconc 845
- HB 1024-FN, relative to the defense and indemnification of New Hampshire conservation districts, their officials and employees. (Copenhaver of Graf. 12; Gordon of Ches. 5 - To Judiciary) 24, K 533
- HB 1025-FN, requiring employers to offer health insurance benefits to part-time employees. (Arnesen of Graf. 7 - To Commerce, Small Business and Consumer Affairs) 25, K (RC) 425-427
- HB 1026-FN, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations. (Arnesen of Graf. 7 et al - To Constitutional and Statutory Revision) 25, K 260, recon rej 263-264

- HB 1027, relative to the publication of the names of juveniles convicted of possession of marijuana. (Cooke of Rock. 20; Domini of Sul. 5 - To Judiciary)
25, K 457
- HB 1028-FN, relative to the water resources statutes. (Blanchard of Rock. 26 et al - To Resources, Recreation and Development)
25, am 495-499, psd 506, S nonconc 846
- HB 1029-FN, relative to boating safety education. (Ware of Hil. 18 - To Transportation)
25, K 422
- HB 1030-FN, relative to sexual harassment in the workplace. (Domaingue of Hil. 42 - To Labor, Industrial and Rehabilitative Services)
25, K 461-462
- HB 1031-FN, relative to investment of state funds in corporations doing business in Northern Ireland. (Mulligan of Hil. 23; Sen. Delahunty - To State-Federal Relations)
25, K (RC) 387-389
- HB 1032-FN, relative to athlete agents. (Jones of Hil. 20 - To Education)
25, K 366
- HB 1033-FN, relative to licensing of solid waste transporters. (Holmes of Car. 3; Millard of Mer. 4 - To Environment and Agriculture)
25, K 476
- HB 1034-FN, relative to the sale or transfer of certain property bordering great ponds. (Bennett of Graf. 9 - To Resources, Recreation and Development)
25, K 329
- HB 1035-FN-A, imposing a 4 percent tax on income to fund the catastrophic illness program fund and provide insurance coverage for low income residents; and making an appropriation therefor. (Bennett of Graf. 9 - To Ways and Means)
25, K 311
- HB 1036-FN, relative to motor vehicle inspections. (Maviglio of Bel. 1 et al - To Transportation)
25, am 627-628, psd 644, S conc 649, enr 698 (Chapter 45)
- HB 1037-FN, relative to off highway recreational vehicles. (Jones of Hil. 20 - To Fish and Game)
25, study 338, 971
- HB 1038-FN, relative to credit services organizations. (Hall of Mer. 7 - To Commerce, Small Business and Consumer Affairs)
25, psd 249, 268, S conc 439, enr 645 (Chapter 24)
- HB 1039-FN, providing for random, unannounced testing of the effectiveness of nuclear emergency response plans. (Hall of Mer. 7 - To Science, Technology and Energy)
25, K 621-622

- HB 1040-FN, prohibiting towns from using public funds to remove snow from private roads and driveways. (Foss of Coos 2 - To Municipal and County Government)
25, K 464

- HB 1041-FN-A, relative to a proposed Ammonoosuc state park and making an appropriation therefor. (Foss of Coos 2 - To Resources, Recreation and Development)
New title: establishing a committee to study and develop a plan for the protection of the Upper Ammonoosuc River watershed.
25, am & Approp 288-290, psd 424, 438, conc S am 845, enr 869, appointments 974 (Chapter 145)

- HB 1042-FN, relative to road toll laws and the regional fuel tax agreement. (Haynes of Rock. 9 - To Transportation)
25, am 547, psd 643, S conc 703, enr 700 (Chapter 64)

- HB 1043-FN, relative to state investments in South Africa and Namibia. (Read of Rock. 28 - To State-Federal Relations)
25, K (RC) 389-390

- HB 1044, relative to the minimum age for operating a power boat in the state. (Malcolm of Rock. 17 - To Transportation)
25, am 432-433, psd 438, S conc 703, enr 700 (Chapter 56)

- HB 1045-FN-A, establishing a committee to study funding for affordable housing and land conservation. (King of Graf. 6 - To State Institutions and Housing)
25, K 243

- HB 1046-FN-A, increasing the tax on certain pari-mutuel pools to 2 percent. (Simon of Rock. 9 - To Regulated Revenues)
New title: relative to the distribution of tax on pari-mutuel pools.
26, am 353-354, psd 363, conc S am 705, enr 783 (Chapter 92)

- HB 1047-FN, relative to office supplies and phone call reimbursement for members of the general court. (Weddle of Rock. 24; Knight of Mer. 14 - To Legislative Administration)
26, K 353

- HB 1048-FN, relative to medical and health insurance coverage for retired non-state group I and group II New Hampshire retirement system members. (Hawkins of Bel. 5 - To Executive Departments and Administration)
New title: relative to health care benefits for retired employees of political subdivisions.
26, am & Approp 368-369, rules suspended 399, psd 516, 642, S conc 791, enr 837 (Chapter 123)

- HB 1049-FN, relative to the travel allowance for members of the general court. (Fillion of Mer. 15 et al - To Legislative Administration)
26, rem 509, am & Approp 633, rules suspended 649, am (RC) 661-663, psd 671, S refused intro 704, IP 963

- HB 1050-FN, relative to death benefits for beneficiaries of group II members. (Gage of Rock. 20 - To Executive Departments and Administration)
26, am & Approp 369-370, rules suspended 399, rem 650, SO 669-670, rcmt 698, K 800
- HB 1051-FN, relative to low-level radioactive waste sites. (Millard of Mer. 4 - To Environment and Agriculture)
26, K 476
- HB 1052-FN, relative to the youth employment law. (Nichols of Mer. 2 - To Labor, Industrial and Rehabilitative Services)
26, study 534, 971
- HB 1053-FN, establishing the position of chief boiler inspector. (Nichols of Mer. 2 - To Labor, Industrial and Rehabilitative Services)
26, psd 486-487, 506, S conc 747, enr 838 (Chapter 124)
- HB 1054-FN, relative to compulsory overtime. (Cushing of Rock. 14 - To Labor, Industrial and Rehabilitative Services)
26, study 534, 971
- HB 1055-FN, relative to the committee studying the laws pertaining to the elderly. (Parks of Str. 6 et al - To Children, Youth and Elderly Affairs)
26, K 471
- HB 1056-FN-A, authorizing the payment of bond expenses out of bond proceeds and continually appropriating funds for such expenses if bond proceeds are insufficient. (Steiner of Hil. 33 - To Ways and Means)
New title: authorizing the payment of bond expenses out of bond proceeds and authorizing the appropriation of funds for such expenses if bond proceeds are insufficient.
26, Approp 290, am 516-517, psd 642, S nonconc 865
- HB 1057-FN, relative to notifying property owners of zoning changes. (Hess of Mer. 9 - To Municipal and County Government)
26, K 327
- HB 1058-FN, relative to the penalty for possession of certain narcotic drugs. (Hess of Mer. 9 - To Judiciary)
26, K 252
- HB 1059, relative to wage assignment. (Hall of Mer. 7 - To Children, Youth and Elderly Affairs)
26, K 471
- HB 1060, establishing a limitations period for claims of procedural defects in the enactment of municipal legislation. (Harrington of Hil. 7; Cowenhoven of Hill. Dist 9 - To Municipal and County Government)
26, psd 340, 344, S conc 648, enr 672 (Chapter 33)
- HB 1061-FN, relative to retaining certain state-owned land overlooking Lake Winnisquam. (Dexter of Bel. 8 - To Public Works)
26, psd 328, 344, nonconc S am, conf 856, 861, rep adop 896, rules suspended (RC) 905-907, rep adop 916, enr 943 (Chapter 243)

- HB 1062-FN, extending the reporting date for the advisory committee on state economic development and local population growth. (Grodin of Ches. 6; Sen. Freese - To Legislative Administration)
New title: relative to the advisory committee on state economic development and local population growth.
26, psd 374, 400, conc S am 793, enr 869 (Chapter 146)
- HB 1063-FN, to revive the charter of Kappa Sigma House, Inc. and Jackson Ski Touring Foundation, Inc., nonprofit organizations. (Arnesen of Graf. 7 et al - To Constitutional and Statutory Revision)
New title: reviving the charter of KAPPA Sigma House, Inc., Jackson Ski Touring Foundation, Inc., and Granliden Community Association, Inc., nonprofit organizations and making certain changes in the voluntary corporations law.
26, psd 249, 268, conc S am 705, enr 746 (Chapter 93)
- HB 1064-FN, to include probation and parole officers in group II of the New Hampshire retirement system. (Richardson of Bel. 10 et al - To Executive Departments and Administration)
26-27, am & Approp 597-599, rules suspended & am 683-684, psd 699, S refused intro 704, IP 963
- HB 1065-FN, placing a moratorium on a moose hunt. (Dearborn of Graf. 8 - To Fish and Game)
27, K 602
- HB 1066-FN-A, relative to group II of the New Hampshire retirement system and making an appropriation therefor. (Hawkins of Bel. 5 - To Executive Departments and Administration)
27, SO 292, am, Approp & rules suspended 329-333, psd 561, 643, S conc 845, enr 869 (Chapter 161)
- HB 1067-FN, relative to the penalty for an aggravated DWI offense. (Lussier of Str. 8 et al - To Judiciary)
27, am 486, psd 506, nonconc S am, conf 785, 848, S K 963
- HB 1068-FN-A, relative to the Anna Philbrook Center and making an appropriation therefor. (Rehlander of Mer. 8; E. Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
27, K 290
- HB 1069-FN-A, relative to affordable housing and making an appropriation therefor. (Chambers of Graf. 12 et al - To State Institutions and Housing)
27, study 265-266, 971
- HB 1070, relative to planning board review of site plans. (Harrington of Hil. 7 - To Municipal and County Government)
27, K 493
- HB 1071-FN-A, relative to guards at the state prison and making an appropriation therefor. (Hawkins of Bel. 5 - To State Institutions and Housing)
27, K 257

- HB 1072-FN-A, appropriating funds to the department of environmental services for a water supply study. (Blanchard of Rock. 26 et al - To Resources, Recreation and Development)
27, Approp 243, psd 517, 642, conc S am 793, enr 869 (Chapter 147)
- HB 1073-FN, relative to appeal tribunals in unemployment compensation. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
27, K (RC) 303-305
- HB 1074-FN, relative to prior service credit for the retirement system. (Matson of Ches. 7 et al- To Executive Departments and Administration)
27, Approp 370, rules suspended 399, psd 517, 642, S conc 674, enr 700 (Chapter 53)
- HB 1075-FN, relative to the use of thrill craft on the lakes and ponds of the state. (Maviglio of Bel. 1; Blair of Graf. 8 - To Transportation)
New title: relative to the use of ski craft on the lakes and ponds of the state.
27, am 433-434, psd 438, S nonconc 846
- HB 1076-FN, relative to public accommodation of physically handicapped persons. (Pappas of Hil. 37 et al - To Health and Human Services)
27, study 353, 971
- HB 1077-FN, relative to the registration of aircraft. (Bates of Str. 1 - To Transportation)
27, K 502
- HB 1078-FN, relative to cosmetologists and pedicurists. (Chandler of Mer. 21; Domaingue of Hil. 42 - To Executive Departments and Administration)
27, am 480, psd 506, S nonconc 846
- HB 1079-FN, relative to electing delegates to state party conventions. (Chandler of Mer. 21 - To Constitutional and Statutory Revision)
27, K 249-250
- HB 1080-FN-A, relative to nongame species and making a continuing appropriation therefor. (Perham of Hil. 10; Sen. McLane - To Fish and Game)
27, am & Approp 299-301, am 517-518, psd 642, nonconc S am, conf 787, 848, rep adop 874, 876, enr 928 (Chapter 244)
- HB 1081-FN, naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road. (Skinner of Rock. 21 et al - To Public Works)
First new title: naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road, requiring year-round maintenance for Base Road in the town of Carroll and amending various highway and motor vehicle laws.
Second new title: naming a part of Route 111 in the town of Windham the Waterhouse Memorial Road and amending various highway and motor vehicle laws.
27, psd 329, 344, nonconc S am, conf 849, 861, rep adop 895, 903, enr am 935, enr 942 (Chapter 245)

- HB 1082-FN, relative to irradiated food. (Beaton of Mer. 3 - To Environment and Agriculture)
27, psd 476, 506, S nonconc 865
- HB 1083-FN, relative to unemployment compensation. (Blanchette of Rock. 12 - To Labor, Industrial and Rehabilitative Services)
28, K 462
- HB 1084-FN, relative to relinquishment of parental rights. (Price of Hil. 28 et al - To Children, Youth and Elderly Affairs)
28, K 471-472
- HB 1085-FN, requiring a national check on the records of child care license applicants. (Price of Hil. 28 et al - To Children, Youth and Elderly Affairs)
28, K 524-525
- HB 1086-FN, relative to complaints of domestic violence. (Price of Hil. 28 et al - To Judiciary)
28, K 252
- HB 1087-FN, establishing a study committee to examine ethics in government involving public officials and public employees. (Koromilas of Str. 6 et al - To Legislative Administration)
28, rem 509, K (2 RC's) 633-636
- HB 1088-FN-A, establishing pilot child care provider recruitment and training programs, and making an appropriation therefor. (Wallner of Mer. 18 et al - To Children, Youth and Elderly Affairs)
28, am & Approp 290-291, psd 561-562, 643, nonconc S am, conf 852, 861, rep adop 896, rules suspended (RC) 905-907, rep adop 917, enr 943 (Chapter 246)
- HB 1089-FN, relative to clarifying and changing the penalties under certain forestry laws and relative to deceptive forestry business practices. (Olson of Coos 7 - To Resources, Recreation and Development)
28, am 499-500, psd 506, S conc 748, enr am 853, enr 869 (Chapter 148)
- HB 1090-FN, relative to drugging animals in livestock events. (Millard of Mer. 4 et al - To Environment and Agriculture)
New title: relative to drugging animals in livestock events and relative to audits of agriculture fairs.
28, am 333-334, psd 344, S conc 703, enr 783 (Chapter 80)
- HB 1091-FN, allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
First new title: allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field, to reimburse the continuing education advisory council.
Second new title: allowing the insurance commissioner to impose and collect fees for submissions of continuing education courses in the insurance field to reimburse the continuing education advisory council and making an appropriation therefor.
28, am & Approp 275-276, am 518-519, psd 642, S conc 674, enr am 781-782, enr 838 (Chapter 105)

- HB 1092-FN, amending the 10-year highway plan. (Pearson of Bel. 5 et al - To Public Works)
28, psd 615, 644, conc S am 867, enr 928 (Chapter 247)
- HB 1093-FN, relative to reporting requirements of corporations having securities registered in this state. (Buckley of Hil. 42 - To Commerce, Small Business and Consumer Affairs)
28, psd 475, 506, nonconc S am, conf 785, 848, 865, rep adop 895, 903, enr am 938-939, enr 942 (Chapter 248)
- HB 1094-FN, relative to licensing plumbers. (Cusson of Hil. 35; LaMott of Graf. 5 - To Executive Departments and Administration)
28, K 480
- HB 1095-FN, requiring gas fume detection alarm units in certain dwellings and health care facilities. (Nagel of Rock. 20; Palumbo of Rock. 10 - To Public Protection and Veterans Affairs)
28, study 241-242, 971
- HB 1096-FN, relative to the definition of a child in need of services. (Derosier of Hil. 26 et al - To Children, Youth and Elderly Affairs)
28, K 472
- HB 1097-FN, relative to underground storage tanks. (Schwartz of Ches. 13 et al - To Resources, Recreation and Development)
New title: relative to underground storage tanks and relative to funding a potable water supply for the town of Meredith.
28, am 615-619, psd 644, conc S am 867, rules suspended, recon, nonconc S am, conf 915-916, 919, rules suspended, rep adop 922-923, enr 943 (Chapter 249)
- HB 1098-FN, establishing a committee to study surrogate parenting. (McGovern of Rock. 27 - To Judiciary)
New title: establishing a committee to study surrogate motherhood.
29, am 457-459, psd 507, conc S am 793, enr 869, appointments 975 (Chapter 186)
- HB 1099-FN, making New Hampshire retirement system maximum benefit limitations comply with the Tax Reform Act of 1986. (Hammond of Graf. 11 - To Executive Departments and Administration)
29, am 480-481, psd 506, S conc 674, enr 700 (Chapter 54)
- HB 1100, relative to secret monitoring of certain telephone calls. (Cushing of Rock. 14; Read of Rock. 28 - To Labor, Industrial and Rehabilitative Services)
29, K (RC) 305-307
- HB 1101-FN, relative to motor vehicle dealer plates. (Dexter of Bel. 8 - To Transportation)
29, K 422
- HB 1102-FN, relative to the disposition of revenue received by the bureau of common carriers, department of transportation. (Gordon of Ches. 5; Haynes of Rock. 9 - To Transportation)
29, Ways and Means 383, rules suspended 399, study 632-633, 971

- HB 1103-FN, relative to the disposal of real estate by state government. (Gordon of Ches. 5; Haynes of Rock. 9 - To State Institutions and Housing)
New title: relative to state-owned surplus real estate to be used to establish affordable housing for low and moderate income persons.
29, rem 509, am 638-641, psd 643, conc S am 867, enr 931 (Chapter 250)
- HB 1104-FN-A, relative to sewage treatment funds and making an appropriation therefor. (Chambers of Graf. 12 et al - To Resources, Recreation and Development)
29, am & Approp 255-256, am 562-563, psd 643, S nonconc 791
- HB 1105-FN, authorizing the city of Concord to finance a new facility for the Concord district court to be leased to the state. (Gross of Mer. 16; Sen. McLane - To Public Works)
29, K 379
- HB 1106-FN, establishing a committee to develop a program to license certain construction in public waters. (Beaton of Mer. 3 et al - To Resources, Recreation and Development)
29, am 537-538, psd 643, S nonconc 673
- HB 1107-FN-A, establishing a committee to implement recommendations on legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor. (McCain of Rock. 11; - To Executive Departments and Administration)
New title: establishing a committee to study legislative employees' and constitutional officers' retirement benefits and making an appropriation therefor.
29, Approp 279, am 519-520, psd 642, conc S am 794, enr 869, appointments 975 (Chapter 185)
- HB 1108-FN, requiring probate court approval of surrogate parenting arrangements. (Jones of Hil. 20; Sen. McLane - To Judiciary)
29, study 459, 971
- HB 1109-A, relative to the purchase of the Cheshire bridge in the town of Charlestown and making an appropriation therefor. (Domini of Sul. 5 et al - To Appropriations)
29, psd 563, 644, nonconc S am, conf 788, 848, rep adop 895, 903, enr 943 (Chapter 251)
- HB 1110-FN-A, relative to telephone and telegraph company taxes. (Rodeschin of Sul. 2 - To Ways and Means)
29, study 311, 971
- HB 1111, establishing unpaid leaves of absence for new parents. (Reardon of Hill. 37 et al - To Labor, Industrial and Rehabilitative Services)
29, K 462
- HB 1112-FN-A, relative to the Head Start program and making an appropriation therefor. (Densmore of Graf. 3 et al - To Children, Youth and Elderly Affairs)
29, rem 270-271, Approp 313, psd 520, 642, conc S am 867, enr 928 (Chapter 252)

- HB 1113-FN, relative to taxing the sale of real estate owned by nonprofit organizations, and providing a right of first refusal for cities and towns in the sale of open space land. (Bass of Hil. 7 - To Ways and Means)
29, study 311, 971
- HB 1114-FN, relative to methane recovery and recycling of used motor oil. (Wright of Rock. 23 - To Environment and Agriculture)
29, K 320
- HB 1115-FN-A, making a supplemental appropriation to the liquor commission. (Dickinson of Car. 2 et al - To Regulated Revenues)
New title: relative to emergency management expenditures.
30, Approp 265, am 520-521, psd 642, conc S am 846, enr 871 (Chapter 177)
- HB 1116-FN, providing health insurance to low-income people. (Pappas of Hil. 37 et al - To Commerce, Small Business and Consumer Affairs)
30, study 416, 971
- HB 1117-FN, granting subpoena power to legislative committee chairmen. (Arnesen of Graf. 7 - To Legislative Administration)
30, K 534-535
- HB 1118-FN, relative to the maintenance of boat launching ramps and related parking areas. (Fillion of Mer. 15; Boucher of Rock. 23 - To Transportation)
30, study 502, 971
- HB 1119, relative to watercraft restrictions on Squam and Little Squam Lakes in the towns of Holderness, Ashland, Center Harbor, Sandwich, and Moultonborough. (Schofield of Car. 4 - To Resources, Recreation and Development)
New title: relative to restrictions on thrill craft.
30, am 538-539, psd 643, S K 963
- HB 1120-FN, relative to a permanent bonus program for veterans who are residents of New Hampshire. (Weddle of Rock. 24; Matson of Ches. 7 - To Public Protection and Veterans Affairs)
30, K 242
- HB 1121-FN-A, appropriating funds for construction of the North Swanzezy sewer interceptor. (Matson of Ches. 7 et al - To Appropriations)
30, am 563-564, psd 644, S nonconc 791
- HB 1122-FN-A, authorizing the hiring of school administrative unit field services consultants and making an appropriation therefor. (Boucher of Rock. 23 et al - To Education)
30, Approp 244, K 564
- HB 1123-FN, relative to senior justices and to the sentence review division. (Sytek of Rock. 20 - To Judiciary)
30, psd 325, 344, conc S am 705, enr 783 (Chapter 81)
- HB 1124-FN, relative to credit card purchase signature slips. (Warburton of Rock. 6 - To Commerce, Small Business and Consumer Affairs)
30, K 259

- HB 1125-FN, relative to a committee to review requests for limits of speed and horsepower on the public waters of the state. (Maviglio of Bel. 1 et al - To Transportation)
30, K 434

- HB 1126-FN, relative to the moose management program. (Rehlander of Mer. 8 et al - To Fish and Game)
30, K (RC) 599-602

- HB 1127-FN, authorizing an independent review of the construction of the Seabrook nuclear reactor Unit 1. (Read of Rock. 28 - To Science, Technology and Energy)
30, K (RC) 622-623

- HB 1128, establishing child support guidelines. (Arnold of Hil. 33 et al - To Children, Youth and Elderly Affairs)
New title: establishing child support guidelines, and establishing a committee to study child support issues.
30, am 525-527, psd 643, conc S am 868, enr 928, appointments 975 (Chapter 253)

- HB 1129, relative to obtaining supplemental appropriations. (Kidder of Mer. 2 - To Appropriations)
New title: making supplemental operating budget appropriations, amending the operating budget, and making certain other appropriations.
30, am (RC) 564-578, psd 644, nonconc S am, conf 852, 862, rep adop 895 (RC) 903-905, enr am 940-941, enr 944 (Chapter 254)

- HB 1130-FN, relative to the cost to counties for performing autopsies. (Burns of Coos 5 et al - To Municipal and County Government)
30, am 327-328, psd 344, S study 649, 971

- HB 1131-FN, prohibiting the involuntary release from employment of a member of the legislature for attending a legislative session. (Pierce of Ches. 17 - To Legislative Administration)
31, K 374-375

- HB 1132-FN, establishing a task force to study creation of a housing appeals board in the department of employment security. (Weddle of Rock. 24; McGovern of Rock. 27 - To State Institutions and Housing)
31, K 329

- HB 1133-FN, relative to home rule and municipal charters. (Grodin of Ches. 6 et al - To Municipal and County Government)
31, am 464-468, psd 507, conc S am 846, enr am 927, enr 944, appointments 975 (Chapter 223)

- HB 1134-FN, relative to walking disability motor vehicle plates, cards, and parking privileges. (Boucher of Rock. 23 et al - To Transportation)
31, am 422-423, psd 438, S conc 703, enr 743 (Chapter 65)

- HB 1135-FN, relative to property owners' associations. (Holmes of Car. 3 - To State Institutions and Housing)
31, K 501-502

- HB 1136-FN, relative to the wage benefit and medical benefits under the workers' compensation law. (Grip of Hil. 7 - To Labor, Industrial and Rehabilitative Services)
31, K 487
- HB 1137-FN, relative to the reports required by and the setting of tax rates for municipalities, counties, and school districts. (Harrington of Hil. 7 et al - To Municipal and County Government)
31, am 468-469, psd 507, nonconc S am, conf 848, 862, rep adop 896, 916, IP 964
- HB 1138-FN, relative to the powers of the board of education of the union school district of Keene. (Arnott of Ches. 14 - To Education)
31, K 595
- HB 1139, relative to surrogate parenting agreements. (Price of Hil. 28; Derosier of Hil. 26 - To Judiciary)
31, study 459, 971
- HB 1140-FN, relative to lock boxes at hazardous material storage facilities. (Price of Hil. 28 et al - To Environment and Agriculture)
31, K 352
- HB 1141-FN, relative to transportation of hazardous waste. (Price of Hil. 28 et al - To Environment and Agriculture)
31, K 352
- HB 1142-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. (Bourque of Hil. 35 et al - To Municipal and County Government)
New title: relative to the construction of certain water treatment projects and making an appropriation therefor.
31, Approp 244, am 579-580, psd 644, S nonconc 846, S K 963
- HB 1143-FN-A, relative to disposal of certain waste material and making an appropriation therefor. (Millard of Mer. 4 - To Environment and Agriculture)
31, K 277
- HB 1144-FN, relative to civil penalties for violations by public utilities. (Schwartz of Ches. 13 - To Commerce, Small Business and Consumer Affairs)
31, am 276, psd 317, nonconc S am, conf 785, 848, rep adop 896, 916, enr 943 (Chapter 255)
- HB 1145, establishing a committee to study voting uniformity. (McGovern of Rock. 27 et al - To Constitutional and Statutory Revision)
31, K 447
- HB 1146-FN-A, relative to abandoned property and making an appropriation to the state treasurer for purchase of a computer. (Steiner of Hil. 33 - To Judiciary)
New title: relative to abandoned property.
32, am & Approp 252-253, psd 521, 642, nonconc S am, conf 785, 848, rep adop 896, 916, enr 943 (Chapter 256)

- HB 1147-FN, prohibiting persons who have been convicted of child pornography, felonious physical assault on a minor, or any sexual assault, from engaging in activities relating to the care of children. (Pierce of Ches. 17 et al - To Children, Youth and Elderly Affairs)
32, am 586-587, psd 644, conc S am 868, enr 928 (Chapter 257)
- HB 1148-FN-A, establishing a legislative insurance advisory commission, an insurance research analyst position, and making an appropriation therefor. (Bass of Hil. 7 - To Commerce, Small Business and Consumer Affairs)
32, K 259-260
- HB 1149-FN, establishing a committee to study issues and consumer rights regarding selection of attorneys for mortgage title searches. (Arnesen of Graf. 7 - To Commerce, Small Business and Consumer Affairs)
32, K 243
- HB 1150-FN, permitting the attorney general to hire part-time attorneys general. (Sytek of Rock. 20 - To Executive Departments and Administration)
32, psd 481, 506, nonconc S am, conf 788, 848, 868, rep adop 896, 916, enr 943 (Chapter 258)
- HB 1151, relative to licensing pharmacists. (Stio of Mer. 5 - To Executive Departments and Administration)
32, am 481-482, psd 506, S conc 747, enr 837 (Chapter 106)
- HB 1152-FN, changing the name of the Laconia state school and training center. (Parker of Ches. 11 - To State Institutions and Housing)
32, psd 329, 344, S conc 791, enr 837 (Chapter 107)
- HB 1153-FN, relative to protecting personal privacy. (Kurk of Hil. 3; Chandler of Mer. 21 - To Judiciary)
32, study 486, 971
- HB 1154, permitting the Waterville Estates village district to exceed its debt limitation. (King of Graf. 6; Sen. Hounsell - To Municipal and County Government)
32, psd 494, 506, nonconc S am, conf 785, 848, rep adop 874, 876, enr 928 (Chapter 259)
- HB 1155-FN-A, relative to asbestos removal in the Hillsborough county courthouse and making an appropriation therefor. (Robinson of Hil. 12 et al - To Appropriations)
32, K 522
- HB 1156-FN, relative to local emergency response plans to chemical emergencies. (Price of Hil. 28 et al - To Environment and Agriculture)
32, K 352
- HB 1157, relative to alternative energy purchased power recovery. (Burns of Coos 5 - To Science, Technology and Energy)
32, K 545

- HB 1158-FN, relative to extension of the authority of the division of water supply and pollution control relative to safe drinking water. (Holmes of Car. 3 - To Resources, Recreation and Development)
32, am 539-543, psd 643, conc S am 868, enr 931 (Chapter 260)
- HB 1159-FN, providing for the disposal of fly ash by towns in solid waste management districts. (Lachance of Str. 3 - To Environment and Agriculture)
First new title: relative to the Southeast Regional Refuse Disposal District.
Second new title: relative to the Southeast Regional Refuse Disposal District and authorizing towns to contract for solid waste disposal services.
32, am 595-596, psd 644, conc S am 868, recon, nonconc S am, conf 870, 871, rep adop 896, 916, enr 943 (Chapter 261)
- HB 1160-FN-A, relative to screening for the AIDS virus and to conducting a survey for the AIDS virus and making an appropriation therefor. (Parr of Rock. 17 et al - To Health and Human Services)
32, K 339
- HB 1161, relative to health insurance for members of the general court. (Parr of Rock. 17 et al - To Legislative Administration)
32, am 375, psd 400, S conc 791, enr 870 (Chapter 162)
- HB 1162-FN-A, relative to AIDS education, prevention and control and making an appropriation therefor. (Copenhaver of Graf. 12 et al - To Health and Human Services)
New title: relative to AIDS education, prevention and control and making an appropriation therefor and relative to testing for the AIDS virus for insurance purposes.
33, SO 338, 354, am & Approp (RC) 393-397, rules suspended 399, psd 580, 644, nonconc S am, conf 858, 865, rep adop 896, 916, enr am 937, enr 942 (Chapter 262)
- HB 1163-FN-A, relative to nursing home care costs paid by counties. (Jones of Str. 6 et al - To Health and Human Services)
33, Approp 244, psd 580, 644, nonconc S am, conf 848, 862, S K 963
- HB 1164-FN-A, reducing the rate of the business profits tax. (Palumbo of Rock. 10 et al - To Ways and Means)
33, study 391, 971
- HB 1165-FN-A, relative to a voluntary AIDS testing and AIDS-negative identification card program and making an appropriation therefor. (Kurk of Hil. 3 - To Health and Human Services)
33, K 322
- HB 1166, relative to smoking in the workplace. (Bass of Hil. 7; Lindblade of Sul. 5 - To Health and Human Services)
33, K (RC) 603-604
- HB 1167-FN, relative to elderly property tax credits. (Perry of Ches. 10 et al - To Municipal and County Government)
33, am 340-342, psd 344, nonconc S am, conf 788, 848, S K 963

- HB 1168-FN, relative to voter registration and the United States Postal Service. (Crystal of Graf. 12; Chambers of Graf. 12 - To Constitutional and Statutory Revision)
33, rem 249, psd 266, 268, S nonconc 704
- HB 1169-FN-A, relative to the AIDS virus and making an appropriation therefor. (Weddle of Rock. 24; McGovern of Rock. 27 - To Health and Human Services)
33, study 339-340, 972
- HB 1170, prohibiting a city or town from enacting a zoning ordinance contrary to Federal Communications Commission Public Notice PRB-1 relative to amateur radio antennas. (Knight of Mer. 14; Ware of Hil. 18 - To Municipal and County Government)
33, K 328
- HB 1171, relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee. (Powers of Car. 5 et al - To Transportation)
First new title: relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee and prohibiting ski craft on Dublin Lake in the town of Dublin.
Second new title: relative to boating restrictions on White Pond and Duncan Lake in the town of Ossipee.
33, am 502-503, psd 507, nonconc S am, conf 856, 862, rep adop 896, 916, enr am 935, enr 942 (Chapter 263)
- HB 1172-FN, creating an eviction protection act. (Weddle of Rock. 24; McGovern of Rock. 27 - To State Institutions and Housing)
33, K 329
- HB 1173-FN, establishing a study committee on current use and open space. (Jacobson of Mer. 2 - To Environment and Agriculture)
33, K 320
- HB 1174, relative to the time for levying the land use change tax. (Hess of Mer. 9 - To Environment and Agriculture)
33, K 320
- HB 1175-FN, relative to an elderly property tax limitation. (Dexter of Bel. 8 - To Municipal and County Government)
33, K 254
- HB 1176-FN, establishing minimum mandatory fines for persons who violate certain liquor laws concerning minors. (Lussier of Str. 8 et al - To Regulated Revenues)
33, K 495
- HB 1177-FN, enabling cities and towns to increase the veterans' exemption. (Matson of Ches. 7 - To Municipal and County Government)
New title: relative to qualifying for the veterans' and elderly property tax exemptions and filing an inventory form and relative to naming a bridge for Korean and Vietnam era veterans.
33, am 494-495, psd 506, S conc 703, enr 700 (Chapter 57)
- HB 1178, relative to counting absentee ballots before the polls close. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)
34, psd 475, 506, S conc 748, enr 838 (Chapter 108)

- HB 1179, prohibiting a city or town from enacting a zoning ordinance contrary to 47 CFR 25.104 relative to telecommunication devices. (Knight of Mer. 14 - To Municipal and County Government)
34, K 328
- HB 1180-FN-A, increasing the rate for residents of enhanced family care facilities and making an appropriation therefor. (Densmore of Graf. 3 et al - To Health and Human Services)
34, am & Approp 302, psd 522, 642, nonconc S am, conf 852, 862, rep adop 896, rules suspended (RC) 905-907, enr 943 (Chapter 287)
- HB 1181, relative to testing for the acquired immune deficiency syndrome. (Price of Hil. 28; Derosier of Hil. 26 - To Commerce, Small Business and Consumer Affairs)
34, K 446
- HB 1182-FN, establishing an office of rate-setting for children's services. (Wallner of Mer. 18 et al - To Children, Youth and Elderly Affairs)
New title: relative to rate-setting for children's services, and establishing a committee to study rate-setting for health and human services, children, youth and elderly, and education.
34, am 472-473, psd 506, conc S am 846, enr 871, appointments 975 (Chapter 178)
- HB 1183-FN-A, increasing the amount of the contribution to municipalities from the general fund by 20 percent for fiscal year 1989, and making an appropriation therefor. (Jacobson of Mer. 2 - To Ways and Means)
34, rem 271, K 314
- HB 1184-FN, relative to the regulation of mining. (Bardsley of Mer. 1 et al - To Environment and Agriculture)
34, study 528, 972
- HB 1185-FN-A, establishing a bureau of worker safety and health education and making an appropriation therefor. (O'Rourke of Hil. 35 et al - To Executive Departments and Administration)
New title: establishing a program of worker safety and health education within the department of labor.
34, am & Approp 279-281, am 580-582, psd 644, S nonconc 791
- HB 1186, relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards, development restrictions, and classes of streets. (King of Graf. 6 - To State Institutions and Housing)
First new title: relative to the establishment of inclusionary zoning and linkage and accessory dwelling unit standards and development restrictions.
Second new title: relative to the establishment of inclusionary zoning and accessory dwelling unit standards and development restrictions.
34, am 546, psd 643, conc S am 794, enr 869 (Chapter 149)
- HB 1187-FN, relative to discounted utility rates. (Chambers of Graf. 12; Schwartz of Ches. 13 - To Science, Technology and Energy)
34, K (RC) 623-625

- HB 1188-FN, establishing age limits for the operation of OHRV's.
(Wilson of Str. 4; Pappas of Hil. 37 - To Fish and Game)
New title: establishing age limits for operators of off highway recreational vehicles and amending compliance dates for manufacturers of all terrain vehicles.
34, am 447-449, psd 507, conc S am 868, enr am 930, enr 944 (Chapter 264)

- HB 1189-FN, relative to roadside litter removal. (Millard of Mer. 4; Sen. Torr - To Ways and Means)
34, study 392, 972

- HB 1190, relative to the Belknap county attorney. (Richardson of Bel. 10 et al - To Municipal and County Government)
34, psd 469, 507, conc S am 781, enr 837 (Chapter 125)

- HB 1191-FN, enabling municipalities to impose capital improvement impact fees. (Chambers of Graf. 12 et al - To State Institutions and Housing)
34, K 469-470

- HB 1192-FN, establishing a task force to study long term care insurance for the elderly. (Derosier of Hil. 26 et al - To Commerce, Small Business and Consumer Affairs)
34, am 291-292, psd 317, S conc 748, enr 838, appointments 976 (Chapter 109)

- HB 1193-FN, relative to chiropractic. (McCain of Rock. 11 et al - To Executive Departments and Administration)
New title: relative to chiropractic and making an appropriation therefor.
35, am & Approp 292-299, am 410-411, psd 438, S conc 747, enr 837 (Chapter 87)

- HB 1194, relative to the emergency treatment of step-children. (Pantelakos of Rock. 24 - To Children, Youth and Elderly Affairs)
35, psd 473-474, 506, conc S am 794, enr 869 (Chapter 150)

- HB 1195-FN, relative to the board of chiropractic examiners. (Palumbo of Rock. 10 et al - To Executive Departments and Administration)
35, K 529

- HB 1196-FN-A, relative to the acquisition of Warren Pond dam and water rights and making an appropriation therefor. (Young of Ches. 1 - To Resources, Recreation and Development)
35, K 256

- HB 1197-FN, relative to a referendum question on nuclear electric generating facilities. (Sherburne of Rock. 2; Millard of Mer. 4 - To Constitutional and Statutory Revision)
35, K 250

- HB 1198, relative to work programs for individuals in need of municipal assistance. (Young of Ches. 1 - To Health and Human Services)
35, psd 302-303, 317, S nonconc 846

- HB 1199-FN, relative to unemployment compensation. (Nichols of Mer. 2 - To Labor, Industrial and Rehabilitative Services)
New title: relative to unemployment compensation and relative to the division of standard and certification, department of education. 35, psd 487, 506, conc S am 794, enr 869 (Chapter 179)
- HB 1200, relative to apportionment of damages. (Bass of Hil. 7 - To Judiciary)
 35, am (RC) 611-613, psd 644, nonconc S am, conf 857, 862, 872, rep adop S 896, rep rej (RC) 921-922, IP 964
- HB 1201, authorizing school districts to teach New Hampshire's cultural heritage and ethnic history in school. (Gage of Rock. 20 - To Education)
 35, psd 595, 644, S conc 748, enr 783 (Chapter 122)
- HB 1202, requiring additional reports to be filed with the insurance commissioner. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
 136, psd (RC) 587-589, 644, (S am) LT 868, IP 963
- HB 1203-FN-A, relative to the payment of a claim against the state and making an appropriation therefor. (Kidder of Mer. 2 - To Appropriations)
 intro & rules suspended 236, psd 412, 438, S conc 674, enr 700 (Chapter 55)
- HB 1204-FN-A, establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor. (Palumbo, Rock. 10 et al - To Health and Human Services)
First new title: establishing a grant-in-aid program to be administered by the division of mental health and developmental services, department of health and human services, to provide temporary emergency shelter for the destitute and making an appropriation therefor, and establishing the affordable housing fund within the New Hampshire housing finance authority and making an appropriation therefor.
Second new title: establishing a grant-in-aid program to provide temporary emergency shelter for the destitute, establishing the affordable housing fund, and establishing a low and moderate income housing loan program, and making appropriations therefor.
 intro & rules suspended 236, am & Approp 604-606, am 685-690, psd 699-700, nonconc S am, conf 852, 862, rep adop 896, 917, enr 942, appointments 978 (Chapter 240)
- HB 1205-FN-A, establishing a low income housing construction program to be administered by the New Hampshire housing finance authority and making an appropriation therefor. (Palumbo of Rock. 10 et al - To State Institutions and Housing)
New title: establishing a low and moderate income housing loan program and making an appropriation therefor.
 intro & rules suspended 236, am & Approp (RC) 664-668, am 800-802, psd 840, S refused to suspend rules to intro 866, IP 963

- HB 1206-FN-A, establishing a joint legislative committee to monitor the Public Service Company of New Hampshire reorganization proceedings, authorizing the employment of an attorney to advise and assist the committee, and making an appropriation therefor. (Palumbo, Rock. 10; Sen. Dupont - To Legislative Administration)
648, rules suspended 706, Approp 711, rules suspended 745, rules suspended & psd 802, recon withd & psd 840, S conc 872, enr 871, appointments 976 (Chapter 163)
- HB 1207-FN-A, relative to certain consultants to the consumer advocate and making an appropriation therefor. (Chambers of Graf. 12 et al - To Commerce, Small Business and Consumer Affairs)
648, suspension of rules rej (RC) 833-834, recon, suspension of rules rej (RC) 838-840, IP 963
- HB 1208-FN, relative to capital reserve and estimates of unrestricted revenue. (Palumbo of Rock. 10 et al - To Ways and Means)
rules suspended, intro & psd 855, nonconc S am, conf 858-859, 865, S K 963

HOUSE JOINT RESOLUTIONS

- HJR 4, relative to New Hampshire's commitment to equality. (Cushing of Rock. 14 - To Legislative Administration)
36, K 375
- HJR 5-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of New Hampshire as the ninth and deciding state to ratify the United States Constitution. (Chase of Car. 6 - To Constitutional and Statutory Revision)
intro & rules suspended 236, Approp 383, rules suspended 399, K 522

HOUSE CONCURRENT RESOLUTIONS

- HCR 11, concerning the budget of the United States. (Riley of Ches. 5 et al - To State-Federal Relations)
35, SO 390-391, adop (2 RC's) 440-444, 506, recon rej 507, S IP 865
- HCR 12, urging the United States Congress to refrain from requiring the employment of parents in households receiving aid to families with dependent children until their children reach the age of 5 years. (Pappas of Hil. 37 et al - To State-Federal Relations)
35-36, K (RC) 430-432
- HCR 13, urging the United States Congress to pass legislation adjusting the shelter deduction permitted under the food stamp program to reflect local shelter costs in the communities served by the program. (Gross of Mer. 16 - To State-Federal Relations)
New title: relative to adjustment of the shelter deduction permitted under the food stamp program.
36, am 545-546, adop 643, S conc 845
- HCR 14, relative to joint rules. (Scanman of Rock 19; Sen. Bartlett)
intro & adop 39, 80, S conc 66

- HCR 15, urging Congress to pass legislation requiring federal review and a delay in the imposition or increase of airport fees. (Scamman of Rock. 19; Sen. Bartlett)
rules suspended, intro & adop 789-790, S conc 845

HOUSE BILLS OF INTENT

- HBI 2007, to study the disparity between insurance allowances and health care costs.
K 42
- HBI 2012, relating to developing a comprehensive, long-range, coordinated state energy plan.
K 172
- HBI 2016, relating to use of breath alcohol analysis ignition interlock devices. (Malcolm of Rock. 17 et al - To Judiciary)
36, K 533
- HBI 2017, requiring licensure of persons performing construction or repair work on state roads and highways. (Lefebvre of Hil. 29; Gagnon of Hil. 29 - To Executive Departments and Administration)
36, rem 470, K 503
- HBI 2018, relating to procedures for disposal of used motor fuel and fuel oil tanks. (Smith of Hil. 21 - To Resources, Recreation and Development)
New title: relating to procedures for disposal of used motor fuel, fuel oil tanks, and asbestos.
36, am 500-501, adop 506, study 972
- HBI 2019, relating to the transportation of school children. (Gage of Rock. 13 - To Education)
36, K 528
- HBI 2020, relating to mandatory motor vehicle insurance. (Hollingworth of Rock. 17 et al - To Commerce, Small Business and Consumer Affairs)
36, K 427

HOUSE RESOLUTIONS

- HR 52, relative to kindergarten. (Domaingue of Hil. 42; Kelly of Hil. 6 - To Education)
36, adop 366, 400
- HR 53, relative to use of recycled material by state and local government agencies. (Malcolm of Rock. 17 et al - To Environment and Agriculture)
36, am 334-335, adop 344
- HR 54, relative to the displacement of low and moderate income persons. (Weddle of Rock. 24 - To Commerce, Small Business and Consumer Affairs)
36, am 416, adop 438

- HR 55, relative to House rules. (Palumbo of Rock 10; Chambers of Graf. 12)
intro & adop 36-39, 80
- HR 56, legalizing, ratifying, approving and confirming Rules Committee action for pre-printing, etc. (Palumbo of Rock. 10; Chambers of Graf. 12)
intro & adop 9
- HR 57, honoring Franklin Pierce College on its twenty-fifth anniversary. (Scamman of Rock. 19 et al)
intro & adop 7
- HR 58, honoring L. Edward Reyor of Keene. (Cheshire Delegation)
intro & adop 133-134
- HR 59, memorializing Representative Cecelia L. Winn of Nashua. (Scamman of Rock. 19 et al)
intro & adop 79
- HR 60, memorializing Representative Stephen N. Cahill of Concord. (Merrimack Delegation et al)
intro & adop 78-79
- HR 61, memorializing former State Legislator Charles C. Eaton of Stoddard. (Scamman of Rock. 19 et al)
intro & adop 231-232
- HR 62, memorializing former State Representative Francis C. Seely of Bridgewater. (Scamman of Rock. 19 et al)
intro & adop 232
- HR 63, memorializing Legislative Security Chief, George E. Davis, Jr. of Barnstead. (Scamman of Rock. 19 et al)
intro & adop 246
- HR 64, memorializing former Rep. Oliver H. Akerman of Hampton Falls. (Scamman of Rock. 19 et al)
intro & adop 266-267
- HR 65, honoring the State Champion Cheerleading Squad of Merrimack High School. (Ahrens of Hil. 13 et al)
intro & adop 267
- HR 66, honoring Representative Margaret A. Ramsay of Swanzey Center. (Scamman of Rock. 19 et al)
intro & adop 316
- HR 67, acknowledging Black History Month. (Long of Hil. 25 et al)
intro & adop 349-350
- HR 68, memorializing former Representative John O. Cate of Loudon. (Scamman of Rock. 19 et al)
intro & adop 437
- HR 69, memorializing Representative Mildred S. Ingram of Acworth. (Sullivan Delegation et al)
intro & adop 578-579

- HR 70, honoring Juliane M. Fauteaux of Epsom. (Johnson of Rock. 1 et al)
intro & adop 658
- HR 71, honoring Belmont High School. (Campbell of Bel. 5 et al)
intro & adop 670
- HR 72, acknowledging the Observance of the 225th Anniversary of the Town of New Boston and the Community Church. (Moore of Hil. 5; Sallada of Hil. 4)
intro & adop 670-671
- HR 73, celebrating Greek Independence Day. (Scamman of Rock. 19 et al)
intro & adop 698-699
- HR 74, commending the boys' varsity basketball team of Pinkerton Academy in Derry. (Campbell of Rock. 7 et al)
intro & adop 703
- HR 75, honoring the Dover High School Colorguard. (Dover Delegation et al)
intro & adop 745
- HR 76, commending the boys' varsity basketball team of Lin-Wood High School. (Mason of Hil. 8; Stewart of Graf. 4)
intro & adop 835-836
- HR 77, memorializing State Representative Carmine F. D'Amante of Claremont. (Sullivan Delegation et al)
intro & adop 782
- HR 78, commending the boys varsity basketball team of Oyster River High School. (Chamberlin of Str. 4 et al)
intro & adop 790
- HR 79, commending the girls varsity basketball team of Mascoma Valley Regional High School. (Christy of Graf. 11 et al)
intro & adop 842-843
- HR 80, honoring the Town of Exeter on its 350th anniversary. (Scamman of Rock. 19 et al)
intro & adop 836
- HR 81, memorializing former State Representative Wilfred B. Osgood of Farmington. (Spear of Str. 2; Weymouth of Graf. 2)
intro & adop 836-837
- HR 82, acknowledging Israel's Fortieth Independence Day. (Scamman of Rock. 19 et al)
intro & adop 855-856
- HR 83, honoring the Hopkinton Singers of Hopkinton High School. (Scamman of Rock. 19 et al)
intro & adop 863-864
- HR 84, memorializing State representative Wilfred A. Boisvert of Nashua. (Scamman of Rock. 19 et al)
intro & adop 876-877

- HR 85, amending House rules. (Palumbo of Rock 10; Chambers of Graf. 12)
intro & adop (RC) 946-948
- HR 86, honoring Barbara A. Walsh of Pelham. (Boutwell of Hil. 20 et al)
intro & adop 964-965
- HR 87, memorializing former state representative Lyman E. Collishaw of Exeter. (Scamman of Rock. 19 et al)
intro & adop 965

SENATE BILLS

1987 SENATE BILLS RE-REFERRED TO COMMITTEE BY THE HOUSE

- SB 2, mandating health insurance for alcoholism and drug dependency treatment.
study 95, 972
- SB 132, relative to the appointment of the executive director of the department of fish and game.
K 42
- SB 147, relative to surety bonds.
am 92-93, psd 134, S conc 225, enr 403 (Chapter 3)
- SB 170-FN, relative to licensure of mental health professionals.
rcmt 182-183, SO 447, K (RC) 453-455, recon rej 507
- SB 208, adopting uniform commercial code article 2A - leases.
K 82
- SB 224-FN, relative to licensing estheticians.
study 82, 972
- SB 237-FN, relative to the controlled drug act.
am 185-191, psd 217, S conc 318, enr 507 (Chapter 6)
- SB 238-FN, relative to bail reform.
am 191-199, psd 217, S conc 318, enr 645 (S recalled from governor)
conc S am 705, enr 838 (Chapter 110)
- SB 239-FN, relative to electronic privacy.
am 143-147, psd 217, S conc 318, enr 645 (Chapter 25)

1988 BILLS

- SB 242-FN, making an appropriation for the sewage treatment facilities for the towns of Exeter and Monroe. (Resources, Recreation and Development)
New title: directing the state treasurer to loan funds to the towns of Exeter and Monroe for construction of sewage treatment facilities.
349, Approp 652-653, am 706-707, psd 722-723, S conc 748, enr 837 (Chapter 111)

- SB 243-FN, reinstating the passenger tramway safety board.
(Executive Departments and Administration)
238, am 773-774, psd 783, S conc 791, enr 869 (Chapter 151)
- SB 244-FN, making intentional transmission of AIDS a felony.
(Judiciary)
319, K 694
- SB 245, limiting the horsepower of boat motors on Long Pond in the town of Northwood. (Transportation)
238, psd 653, 671, enr am 705-706, enr 783 (Chapter 82)
- SB 246, relative to the sale of liquor in convention centers and first class ballrooms. (Regulated Revenues)
238, psd 379, 401, enr 646 (Chapter 18)
- SB 247-FN-A, relative to phase II of restoration of the old state house and making an appropriation therefor. (Public Works)
349, am & Approp 741-743, rules suspended 745, am 802-803, psd 840, S nonconc, conf 850, 858, IP 964
- SB 250, changing the reporting date for the task force to study support services for families with developmentally disabled children. (Children, Youth and Elderly Affairs)
349, am 650, psd 671, S conc 704, enr 700 (Chapter 50)
- SB 253, relative to the length of vehicles. (Transportation)
238, psd 698, 700, enr 743 (Chapter 66)
- SB 254-FN-A, making a supplemental appropriation for school aid. (Children, Youth and Elderly Affairs)
349, K 675
- SB 255, relative to school district boundaries. (Education)
270, am 677-678, psd 699, S conc 748, enr 837 (Chapter 112)
- SB 256, relative to voting in special school districts. (Education)
270, am & psd 589, S conc 641, enr 645 (Chapter 7)
- SB 257, extending the reporting date of the biomass study committee. (Environment and Agriculture)
238, psd 650, 671, enr 700 (Chapter 51)
- SB 258, relative to boating restrictions on Little Diamond Pond in the town of Stewartstown. (Transportation)
238, am 668-669, psd 671, S conc 704, enr am 937, enr 942 (Chapter 218)
- SB 259, relative to child custody. (Children, Youth and Elderly Affairs)
349, am 675, psd 699, S conc 748, enr 783 (Chapter 113)
- SB 260-FN, relative to detection of airborne radon in homes. (Environment and Agriculture)
349, am 663-664, psd 671, S conc 704, enr 746 (Chapter 118)

- SB 261, relative to setting seasons and bag limits on small game birds and animals. (Fish and Game)
238, am 737-738, psd 746, S nonconc, conf 788, nonconc rep, new conf 870, 871, rep adop 879, 926, enr 943 (Chapter 219)

- SB 262-FN-A, establishing a New Hampshire conservation corps and making an appropriation therefor. (Resources, Recreation and Development)
349, am & Approp 712, rules suspended 745, am 795, psd 840, S nonconc, conf 850, rep adop 879, 926, enr 943 (Chapter 265)

- SB 265-FN, relative to the operation of a bank acquired in a consolidation and to banking department fees and requirements. (Commerce, Small Business and Consumer Affairs)
270, rules suspended & rem 750, Approp & rules suspended 780, am 803-806, psd 840, S conc 865, enr 931 (Chapter 220)

- SB 267-FN, relative to child passenger restraints in motor vehicles. (Health and Human Services)
238, am (RC) 738-740, psd 746, S conc 791, enr 837, S sustained veto 949

- SB 268-FN, relative to litigation of small claims. (Judiciary)
238, psd 664, 671, enr 743 (Chapter 67)

- SB 269-FN, relative to indoor air quality in certain state buildings. (Health and Human Services)
348, psd 678, 699, enr 700 (Chapter 68)

- SB 271-FN, establishing a study committee to examine the feasibility of relocating state agencies in Concord. (Public Works)
348, am 754-755, psd 783, S nonconc, conf 788, IP 964

- SB 273, relative to capital murder. (Judiciary)
238, psd 694, 700, enr 743 (Chapter 69)

- SB 275-FN, relative to Skyhaven airport and making an appropriation therefor. (Public Works)
348, Approp 696-697, SO 806, psd 829-830, 840, enr 870 (Chapter 152)

- SB 276-FN, establishing a panel to address the effectiveness of the delivery of services to children and their families.
New title: relative to the delivery of services to children and their families, the division of children and youth services, and making an appropriation therefor. (Children, Youth and Elderly Affairs)
348, am & Approp 690-692, am 751, psd 783, S conc 791, enr 837 (Chapter 71)

- SB 277, prohibiting the hunting of mourning doves in New Hampshire. (Fish and Game)
238, K 774

- SB 278, relative to aid to assisted persons.
New title: relative to aid to assisted persons, and the legalization of certain town meetings and proceedings. (Municipal and County Government)
349, am 778-779, psd 783, S conc 872, enr 871 (Chapter 180)

- SB 279, relative to motor vehicle emissions testing. (Transportation)
349, rem 751, am 780-781, psd 783, S nonconc, conf 786, rep adop
880, 926, enr 943 (Chapter 221A)
- SB 280, changing the rate of the real estate transfer tax.
S study 972
- SB 281, prohibiting surrogate parenting.
S study 972
- SB 283, relative to protective services for adults. (Children, Youth
and Elderly Affairs)
349, am 724, psd 746, S conc 791, enr 869 (Chapter 181)
- SB 284-FN-A, relative to exemption from tolls on the New Hampshire
turnpike system. (Public Works)
348, am 697, psd 700, S conc 748, enr 783 (Chapter 83)
- SB 285-FN-A, limiting toll increases on the New Hampshire turnpike
system. (Public Works)
348, K 743
- SB 286, relative to exchanging police information, on a reciprocal
basis, with other states. (State-Federal Relations)
270, psd 682, 699, enr 783 (Chapter 84)
- SB 287, relative to police assistance from other states.
(State-Federal Relations)
270, psd 682, 699, enr 743 (Chapter 70)
- SB 288-FN, relative to placing articles on the official ballot.
(Constitutional and Statutory Revision)
New title: relative to placing articles on the official ballot
and to declarations of candidacy in towns which have adopted the
non-partisan ballot system.
238, am 692-693, psd 700, S conc 748, enr 837 (Chapter 126)
- SB 289-FN, authorizing the hiring of a consultant to study the
effectiveness of the foundation aid formula. (Education)
New title: establishing a committee to study school facilities.
348, rem 706, Approp 743, rules suspended 745, am 806-807, psd 840,
S nonconc, conf 850, rep adop 880-881, 926, enr 943, appointments
976 (Chapter 290)
- SB 290, relative to expenditures of funds from the highway surplus
account. (Public Works)
238, psd 711, 746, enr 783 (Chapter 119)
- SB 291, relative to refunds of insurance premiums. (Commerce, Small
Business and Consumer Affairs)
348, am 751-752, psd 783, S conc 791, enr am 853, enr 931 (Chapter
221)
- SB 292-FN, establishing a study committee to examine the future air
travel needs of New Hampshire and relative to the management of the
Nashua Airport Authority. (Public Works)
348, K 779

- SB 293-FN, relative to asbestos management. (Health and Human Services)
348, am 678-680, psd 699, S conc 748, enr 838 (Chapter 114)
- SB 294-FN, relative to the catastrophic aid formula, and making a supplemental appropriation therefor. (Education)
New title: relative to the catastrophic aid formula.
348, am & Approp 724-725, rules suspended 745, am 808, psd 840, S conc 872, enr am 929, enr 944 (Chapter 222)
- HB 295, relative to a guardians authority to remove life support of his ward.
S study 972
- SB 296-A, relative to the construction of regional vocational education centers and making an appropriation therefor. (Public Works)
238, Approp 711, rules suspended 745, rem 794, am 834-835, psd 840, S conc 872, enr 871 (Chapter 182)
- SB 297-FN-A, establishing adult in-home care services for certain persons and making an appropriation therefor. (Children, Youth and Elderly Affairs)
348, am & Approp 708-709, rules suspended 745, rem 795, psd 835, 840, S conc 872, enr 871 (Chapter 183)
- SB 298-A, relative to student housing at the New Hampshire technical institute and making an appropriation therefor. (Public Works)
238, Approp 681, psd 795, 840, enr 870 (Chapter 164)
- SB 299-FN, relative to deeds. (Judiciary)
238, am 680, psd 699, S conc 748, enr 783 (Chapter 85)
- SB 300, establishing a committee to study all aspects of laws, rules and practices relative to materials used in the construction of highways. (Public Works)
238, psd 779-780, 784, enr 837, appointments 976 (Chapter 127)
- SB 301-FN-A, relative to the deadline for an environmental impact study for a 4-lane east-west highway from Concord to the Spaulding turnpike. (Public Works)
270, Approp 743, rules suspended 745, am 808-809, psd 841, S nonconc, conf 851, 877, rep adop 881-883, 926, enr 943 (Chapter 266)
- SB 302-FN, relative to fireworks. (Public Protection)
348, am 694-696, psd 700, S nonconc, conf 786, rep adop 883, 926, enr 943, veto overridden (RC) 961-963 (Chapter 292)
- SB 303-FN, relative to a judicial service increment and to the committee on judicial conduct. (Judiciary)
348, rules suspended 750, am & Approp 774, rules suspended 780, am 809, psd 841 (S nonconc)
- SB 304-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (Judiciary)

New title: relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations, transferring certain appropriations within the judicial branch, and making a supplemental appropriation for new positions in the judicial branch.
348, am & Approp 650-651, am 809-812, psd 841, S nonconc, conf 851, rep adop 883-885, 926, enr 943, S sustained veto 949

- SB 305-FN, relative to pari-mutuel pools at dog races. (Regulated Revenues)
First new title: relative to pari-mutuel pools at dog races and authorizing a study of greyhound racing.
Second new title: relative to pari-mutuel pools at dog races and authorizing a study of greyhound and horse racing.
348, am & Approp 681-682, am 812-814, psd 841, S nonconc, conf 851, rep adop 885-888, 926, enr am 932, enr 942 (Chapter 291)
- SB 306-FN, relative to low-dose mammography screening. (Commerce, Small Business and Consumer Affairs)
New title: relative to low-dose mammography screening and establishing a committee to examine regulating persons operating x-ray equipment.
348, am 756-757, psd 783, S nonconc, conf 786, rep adop 888-889, 926, enr 943, appointments 977 (Chapter 267)
- SB 307-FN, relative to retirement pay for judges, to vested right in judicial retirement compensation, and to the committee on judicial conduct. (Executive Departments and Administration)
348, am & Approp 731-732, am 814-815, psd 841 (S nonconc)
- SB 309-FN, enabling cities and towns to transfer revenues from the land use change tax to the local conservation commission. (Municipal and County Government)
348, psd 694, 700, enr 746 (Chapter 120)
- SB 310-FN-A, relative to the purchase and distribution of breathalyzer machines and making appropriations therefor. (Public Protection and Veterans Affairs)
New title: relative to the purchase and distribution of breath analyzer machines and making an appropriation therefor.
348, am & Approp 651-652, am 723-724, psd 746, S nonconc, conf 786, rep adop 889, 926, enr am 937, enr 942, appointments 978 (Chapter 268)
- SB 313-FN, providing a cost of living increase for New Hampshire retirement system group II members. (Executive Departments and Administration)
New title: providing a cost of living increase for New Hampshire retirement system group II members, relative to death benefits for beneficiaries of group II members, and relative to health care benefits for retired group II members and retired employees of political subdivisions.
348, am & Approp 732-733, am 815-820, psd 841, S conc 872, enr 871 (Chapter 191)
- SB 315-FN, relative to the personnel appeals board. (Executive Departments and Administration)

New title: relative to the division of plant and property management and to the personnel appeals board and making an appropriation therefor.
270, am & Approp 709-710, rules suspended 745, am 795-796, psd 840, S nonconc, conf 850, rep adop 889-890, 926, enr 943 (Chapter 269)

- SB 317-FN, relative to master plans and their housing sections. (Municipal and County Government)
New title: relative to master plans and their housing sections and relative to the compilations of regional housing needs assessments.
347, am 680-681, psd 699, S nonconc, conf 786, 845, rep adop 890, 926, enr 944 (Chapter 270)
- SB 318-FN, establishing a committee to study the feasibility of establishing a New Hampshire zoological park. (Resources, Recreation and Development)
270, psd 682, 699, enr 700, appointments 977 (Chapter 58)
- SB 319, relative to cancellation of insurance policies. (Commerce, Small Business and Consumer Affairs)
New title: relative to cancellation or termination of insurance policies.
270, am 677, psd 699, S conc 748, enr 837 (Chapter 115)
- SB 320, relative to health insurance for retired municipal employees.
S study 972
- SB 322-FN-A, relative to petroleum pollution cleanup. (Resource, Recreation and Development)
270, am & Approp 712-717, rules suspended 745, am 796-800, psd 840, S conc 872, enr am 873, enr 931, appointments 978 (Chapter 271)
- SB 323-FN, relative to providing medical assistance to children who are disabled or victims of catastrophic illness. (Health and Human Service)
New title: relative to providing medical assistance to children who are severely disabled, establishing an oversight committee, and making an appropriation therefor.
347, am & Approp 740-741, rules suspended 745, am 820-821, psd 841, S nonconc, conf 851, rep adop 891, 926, enr 944, appointments 978 (Chapter 272)
- SB 324, relative to dangerous dogs and amending the penalty provision relating to dogs which are a menace, a nuisance, or vicious.
S study 972
- SB 325-FN, relative to providing support to families coping with a severely disabled child or young adult family member, using funds already appropriated. (Children, Youth and Elderly Affairs)
238, psd 650, 671, enr 700 (Chapter 59)
- SB 326-FN, establishing a New Hampshire rivers management and protection program and making an appropriation therefor. (Resources, Recreation and Development)
347, am & Approp 717-722, rules suspended 745, am 821-823, psd 841, S nonconc, conf 851, rep adop 891-892, 926, enr 944 (Chapter 273)

- SB 327-FN, eliminating the social security offset provision for group I members of the retirement system and relative to retirement system administration. (Executive Departments and Administration) 347, Approp 664, am 823-825, psd 841, S conc 872, enr 871 (Chapter 193)
- SB 328-FN, relative to sexual misconduct by psychotherapists. (Executive Departments and Administration) 348, am 752-753, psd 783, S conc 872, enr 871 (Chapter 165)
- SB 329-FN, establishing a study committee to study Monte Carlo nights, Las Vegas nights, bingo games, and lucky 7. (Regulated Revenues) 238, K 379
- SB 330-FN, providing medical and health insurance coverage for retired firefighter and police New Hampshire retirement system members. (Executive Departments and Administration) 403, am & Approp 733-737, K 825
- SB 331-FN, relative to payment for forensic medical examinations of sexual assault victims, a standardized rape protocol, and making a supplemental appropriation for rape victim services. (Health and Human Services) 348, Approp 693, am 800, psd 840, S conc 872, enr 871 (Chapter 184)
- SB 333, relative to notaries public, commissioners of deeds, justices of the peace, the department of state, and emergency interim succession. (Constitutional and Statutory Revision) 348, psd 693, 700, enr 746 (Chapter 121)
- SB 334-FN-A, establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor. (Education)
New title: establishing a comprehensive literacy and dropout prevention program, and making an appropriation therefor; and establishing a study committee to examine the illiteracy and dropout problems.
348, am & Approp (RC) 725-731, rules suspended 745, am 825-829, psd 841, S nonconc, conf 851, rules suspended (RC) 905-907, rep adop (RC) 907-913, 926, enr 944, appointments 977, 979 (Chapter 274)
- SB 337-FN, adopting the uniform federal lien registration act. (Constitutional and Statutory Revision) 349, psd 677, 699, enr 746 (Chapter 116)
- SB 338-FN-A, relative to a statewide plan for public and private transportation. (Transportation) 349, psd 722, 746, enr 783 (Chapter 86)
- SB 339-FN, relative to purchasing airports, establishing airport districts, and airport property tax base sharing agreements. (Public Works) 349, study 755-756, 972

- SB 341-FN-A, establishing a position to coordinate child day care services in the office of the commissioner of health and human services and making an appropriation therefor. (Children, Youth and Elderly Affairs)
349, Approp 709, rules suspended 745, psd 830, 841, enr 870 (Chapter 166)
- SB 342, amending the certificate of need law. (Health and Human Services)
349, am 710-711, psd 746, S conc 791, enr am 853-854, enr 928 (Chapter 275)
- SB 343-FN, relative to liability for expenses of children under the supervision of the division for children and youth services. (Children, Youth and Elderly Affairs)
270, am 676-677, psd 699, S conc 748, enr 869 (Chapter 153)
- SB 344-FN, relative to the consignment of artworks. (Commerce, Small Business and Consumer Affairs)
349, psd 757, 783, enr 837 (Chapter 117)
- SB 345-FN, relative to disciplinary proceedings conducted by the committee on judicial conduct. (Judiciary)
270, am (RC) 774-778, psd 783, S nonconc, conf 851, 877, rules suspended (RC) 905-907, rep adop (RC) 913-915, 926, enr 944 (Chapter 276)
- SB 347-FN-A, increasing rates for shared homes and making an appropriation therefor. (Health and Human Services)
349, Approp 741, rules suspended 745, am 830-831, psd 841, S nonconc, conf 850, rep adop 893, 926, enr 944 (Chapter 289)
- SB 348-FN, relative to licensing of health care facilities. (Health and Human Services)
349, am 754, psd 783, S conc 791, enr 854 (Chapter 156)
- SB 349-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (Environment and Agriculture)
349, am & Approp 664, am 707-708, psd 746, S nonconc, conf 786, rep adop 893, 926, enr 944 (Chapter 277)
- SB 350, relative to the election of fish and game commission members.
S study 972
- SB 351, relative to regional banking and mutual savings banks. (Commerce, Small Business and Consumer Affairs)
New title: relative to regional banking.
349, am (3 RC's) 757-769, psd 783, S conc 791, enr 854 (Chapter 128)
- SB 353-FN, relative to motor vehicle plates for organizational vehicles. (Transportation)
238, K 722
- SB 354-FN, establishing a Connecticut River bridge advisory commission. (State-Federal Relations)
349, psd 682, 699, enr 700, appointments 977 (Chapter 60)

- SB 355-FN, appropriating additional sweepstakes revenues for foundation aid. (Appropriations)
509, am 831-832, psd 841, S nonconc, conf 858, rep adop 893-894, 926, enr 944 (Chapter 278)
- SB 356-FN, relative to involuntary admissions under limited circumstances for the developmentally impaired. (Judiciary)
intro & rules suspended 792, study 849-850, 972
- SB 357, relative to legalizing the Seabrook town meeting and establishing the Seabrook Scholarship Fund.
rules suspended, intro & psd 897, 927, enr 944 (Chapter 279)
- SB 358-FN-A, making an appropriation for the chief medical examiner.
rules suspended, intro & psd 948, enr 964 (Chapter 293)

CONCURRENT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS

1987 PROPOSALS RE-REFERRED TO COMMITTEE

- CACR 7, relating to the composition and compensation of the general Court.
Providing that there be a unicameral legislature of 80 members and each member's salary shall be \$12,000.
K 55
- CACR 9, relating to limiting sweepstakes funds to educational purposes.
Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.
K 55-56
- CACR 15, relating to a reapportionment commission and the size of the house and senate. Providing that there be a 10-member reapportionment commission which shall establish single member districts for the house and senate, congressional districts, and executive councilor districts; and that the house range in size from 200 to 400 members and the senate from 24 to 48 members.
K 56

1988 PROPOSALS

- CACR 23, relating to compensation of the legislature. Providing that legislators shall be compensated at the rate of \$30 for each legislative day attended. (Pierce of Ches. 17 - To Constitutional and Statutory Revision)
35, K 260
- CACR 24, relating to the right to counsel in criminal proceedings.
Providing that the right of a defendant in a criminal proceeding to have an attorney appointed at the expense of the state if the defendant cannot afford an attorney be limited to cases where the defendant actually faces incarceration. (Constitutional and Statutory Revision)
349, K 769

- CACR 25, relating to compensation of the legislature. Providing that the provision of the constitution relative to compensation of the legislature be repealed. (Pierce of Ches. 17 - To Constitutional and Statutory Revision)
35, K 446
- CACR 26, relating to line item veto power. Providing that the governor may approve appropriation bills in whole or in part. (Ingram of Sul. 4 et al - To Constitutional and Statutory Revision)
35, K 446-447
- CACR 27, relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition. (Weddle of Rock. 24; Knight of Mer. 14 - To Constitutional and Statutory Revision)
35, study 447, 972
- CACR 28, relating to the age requirement for senators and councilors. Providing that no person shall be elected a senator or councilor who is not of the age of 25 years. (Cushing of Rock. 14 - To Constitutional and Statutory Revision)
35, K 260
- CACR 29, relating to meetings of the General Court. Providing that the General Court shall meet biennially. (Constitutional and Statutory Revision)
238, K (2 RC's) 769-773, recon rej 783

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27	HB 0705	81	HB 1123	135	HB 0953
28	HB 0768	82	SB 0245	136	HB 0537
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33	HB 1060	87	HB 1193	141	HB 0887
34	HB 0732	88	HB 0330	142	HB 0900
35	HB 0789	89	HB 0480	143	HB 0902
36	HB 0849	90	HB 0564	144	HB 1020
37	HB 0867	91	HB 0923	145	HB 1041
38	HB 0870	92	HB 1046	146	HB 1062
39	HB 0936	93	HB 1063	147	HB 1072
40	HB 0999	94	HB 0611	148	HB 1089
41	HB 1007	95	HB 0749	149	HB 1186
42	HB 0041	96	HB 0777	150	HB 1194
43*	HB 0499	97	HB 0790	151	SB 0243
44	HB 0571	98	HB 0843	152	SB 0275
45	HB 1036	99	HB 0883	153	SB 0343
46	HB 0770	100	HB 0884	154	HB 0754
47	HB 0799	101	HB 0893	155	HB 0816
48	HB 0911	102	HB 0899	156	SB 0348
49	HB 0966	103	HB 0947	157	HB 0811
50	SB 0250	104	HB 1016	158	HB 0846
51	SB 0257	105	HB 1091	159	HB 0853
52	HB 0774	106	HB 1151	160	HB 1000
53	HB 1074	107	HB 1152	161	HB 1066
54	HB 1099	108	HB 1178	162	HB 1161

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163	HB 1206	217	HB 0852	270	SB 0317
164	SB 0298	218	SB 0258	271	SB 0322
165	SB 0328	219	SB 0261	272	SB 0323
166	SB 0341	220	SB 0265	273	SB 0326
167	HB 0743	221	SB 0291	274	SB 0334
168	HB 0812	221-A	SB 0279	275	SB 0342
169	HB 0833	222	SB 0294	276	SB 0345
170	HB 0845	223	HB 1133	277	SB 0349
171	HB 0880	224	HB 0794	278	SB 0355
172	HB 0905	225	HB 0847	279	SB 0357
173	HB 0945	226	HB 0858	280	HB 0237
174	HB 0963	227	HB 0862	281	HB 0639
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178	HB 1182	231	HB 0912	285	HB 0850
179	HB 1199	232	HB 0917	286	HB 0885
180	SB 0278	233	HB 0935	287	HB 1180
181	SB 0283	234	HB 0940	288	HB 0873
182	SB 0296	235	HB 0942	289	SB 0347
183	SB 0297	236	HB 0962	290	SB 0289
184	SB 0331	237	HB 0964	291	SB 0305
185	HB 1107	238	HB 0972	292	SB 0302
186	HB 1098	239	HB 0978	293	SB 0358
187	HB 0959	240	HB 1204		
188	HB 0737	241	HB 0980		
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191	SB 0313	244	HB 1080		
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193	SB 0327	246	HB 1088		
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213	HB 0820	266	SB 0301		
214	HB 0824	267	SB 0306		
215	HB 0832	268	SB 0310		
216	HB 0842	269	SB 0315		

* Chapter 43 was nulfied by Chapter 88

